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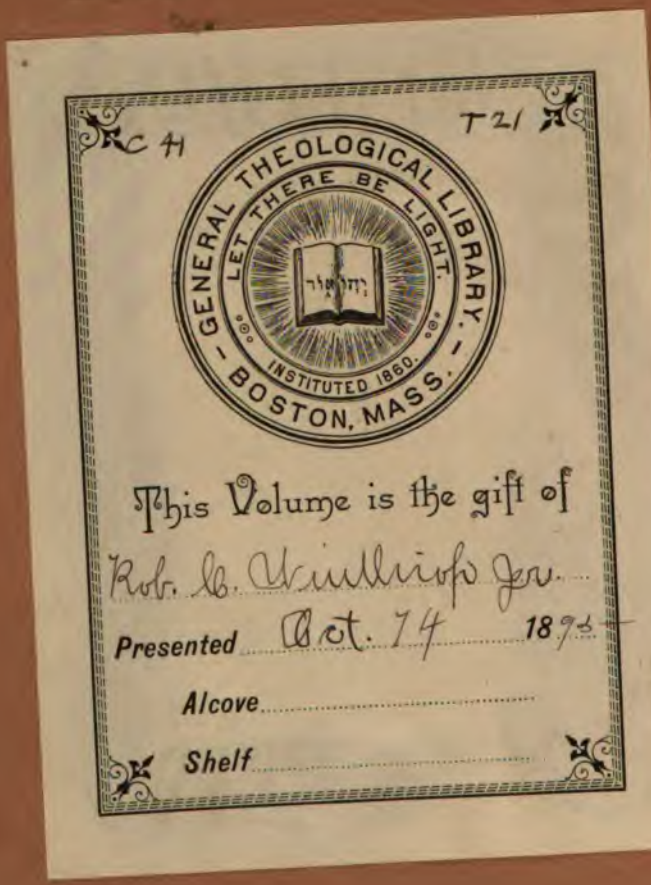
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THE

WHOLE WORKS

OF THE

RIGHT REV. JEREMY TAYLOR, D.D.

LORD BISHOP OF DOWN, CONNOR, AND DROMORE.

VOL. III.

THE

WHOLE WORKS

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ΧΡΙΣΙΣ ΤΕΛΕΙΩΤΙΧΗ.

A

DISCOURSE

OF

CONFIRMATION.

Εἰ Πνεῦμα ἅγιον ἐλάβετε πιστεύσαντες.
Acts xix. 2.

21

TO HIS GRACE

JAMES DUKE OF ORMONDE,

LORD LIEUTENANT-GENERAL,

AND GENERAL-GOVERNOR OF HIS MAJESTY'S KINGDOM OF IRELAND,

ONE OF THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCILS OF HIS MAJESTY'S KINGDOMS OF ENGLAND, SCOTLAND, AND IRELAND, &c., AND KNIGHT OF THE MOST NOBLE ORDER OF THE GARTER.

MAY IT PLEASE YOUR GRACE,

IT is not any confidence that I have dexterously performed this charge, that gives me the boldness to present it to your Grace. I have done it as well as I could, and for the rest, my obedience will bear me out: for I took not this task upon myself, but was entreated to it by them, who have power to command me. But yet it is very necessary that it should be addressed to your Grace, who are, as Sozomen said of Theodosius, "certaminum magister, et orationum judex constitutus:" "You are appointed the great master of our arguings, and are most fit to be the judge of our discourses;" especially when they do relate and pretend to public influence and advantages to the church. We all are witnesses of your zeal to promote true religion, and every day find you to be a great patron to this very poor church, which groans under the calamities and permanent effects of a war acted by intervals for above four hundred years; such which the intermedial sunshines of peace could but very weakly repair. Our churches are still demolished, much of the revenues irrecoverably swallowed by sacrilege, and digested by an unavoidable impunity; religion infinitely divided, and parted into formidable sects; the people extremely ignorant, and wilful by inheritance; superstitiously irreligious, and incapable of reproof. And amidst these and very many more inconveniences, it was greatly necessary that God should send us such a king, and he send us such a viceroy, who weds the interests of religion, and joins them to his heart.

For we do not look upon your Grace only as a favourer of the church's temporal interest, though even for that the souls of the relieved clergy do daily bless you: neither are you our patron only as the Cretans were to Homer, or the Alenadæ to Simonides, Philip to Theopompus, or Severus to Oppianus; but as Constantine and Theodosius were to christians; that is, desirous that true religion should be promoted, that the interest of souls should be advanced, that truth should flourish, and wise principles should be entertained, as the best cure against those evils which this nation hath too often brought upon themselves. In order to which excellent purposes it is hoped, that the reduction of the holy rite of confirmation into use and holy practice may contribute some very great moments. For besides that the great usefulness of this ministry will greatly endear the episcopal order, to which (that I may use St. Jerome's words) if "there be not attributed a more than common power and authority, there will be as many schisms as priests;" it will also be a means of endearing the persons of the prelates to their flocks, when the people shall be convinced that there is, or may be, if they please, a perpetual intercourse of blessings and love between them; when God by their holy hands refuses not to give to the people the earnest of an eternal inheritance, when by them he blesses; and that the grace of our Lord Jesus, and the love of God, and the communication of his Spirit, is conveyed to all persons capable of the grace, by the conduct, and on the hands and prayers of their bishops.

And indeed not only very many single persons, but even the whole church of Ireland, hath need of confirmation. We have most of us contended for false religions and unchristian propositions: and now that by God's mercy, and the prosperity and piety of his sacred Majesty, the church is broken from her cloud, and many are reduced to the true religion and righteous worship of God, we cannot but call

to mind, how the holy fathers of the primitive church often have declared themselves in councils, and by a perpetual discipline, that such persons who are returned from sects and heresies into the bosom of the church should not be rebaptized, but that the bishops should impose hands on them in confirmation. It is true, that this was designed to supply the defect of those schismatical conventicles, who did not use this holy rite: for this rite of confirmation hath had the fate to be opposed only by the schismatical and puritan parties of old, the Novatians or Cathari, and the Donatists; and of late by the Jesuits and new Cathari, the puritans and presbyterians; the same evil spirit of contradiction keeping its course in the same channel, and descending regularly amongst men of the same principles. But therefore in the restitution of a man, or company of men, or a church, the holy primitives, in the council of Constantinople, Laodicea, and Orange, thought that to confirm such persons was the most agreeable discipline; not only because such persons did not in their little and dark assemblies use this rite, but because they always greatly wanted it. For it is a sure rule in our religion, and is of an eternal truth, that "they who keep not the unity of the church, have not the Spirit of God;" and therefore it is most fit, should receive the ministry of the Spirit, when they return to the bosom of the church, that so indeed they may "keep the unity of the Spirit in the bond of peace." And therefore Asterius bishop of Amasia compares confirmation to the ring, with which the father of the prodigal adorned his returning son: "Datur nempe prodigo post stolam et annulus, nempe symbolum intelligibile signaculi Spiritûs." And as the Spirit of God, the holy dove, extended his mighty wings over the creation, and hatched the new-born world, from its seminal powers, to light and operation, and life and motion; so in the regeneration of the souls of men, he gives a new being, and heat and life, procedure and perfection, wisdom and strength: and because that this was ministered by the bishops' hands in confirmation, was so firmly believed by all the primitive church, therefore it became a law, and a universal practice in all those ages, in which men desired to be saved by all means. The Latin church and the Greek always did use it; and the blessings of it, which they believed consequent to it, they expressed in a holy prayer, which in the Greek "Euchologion" they have very anciently and constantly used: "Thou, O Lord, the most compassionate and great King of all, graciously impart to this person the seal of the gift of thy holy, almighty, and adorable Spirit."[a] For as an ancient Greek said truly and wisely, "The Father is reconciled, and the Son is the reconciler; but to them who are by baptism and repentance made friends of God, the Holy Spirit is collated as a gift."[b] They well knew what they received in this ministration, and therefore wisely laid hold of it, and would not let it go.

This was anciently ministered by apostles, and ever after by the bishops, and religiously received by kings and greatest princes; and I have read that St. Sylvester confirmed Constantine the emperor: and when they made their children servants of the holy Jesus, and soldiers under his banner, and bondsmen of his institution, then they sent them to the bishop to be confirmed; who did it sometimes by such ceremonies that the solemnity of the ministry might with greatest religion addict them to the service of their great Lord. We read in Adrovaldus,[c] that Charles Martel, entering into a league with Bishop Luitprandus, sent his son Pepin to him, "ut, more christianorum fidelium, capillum ejus primus attonderet, ac pater illi spiritualis existeret," "that he might, after the manner of christians, first cut his hair," (in token of service to Christ,) "and" in confirming him "he should be his spiritual father." And something like this we find concerning William earl of Warren and Surrey, who when he had dedicated the church of St. Pancratius and the priory of Lewes, received confirmation, and gave seizure "per capillos capitis mei," (says he in the charter,) "et fratris mei Radulphi de Warrena, quos abscidit cum cultello de capitibus nostris Henricus episcopus Wintoniensis;" "By the hairs of my head and of my brother's, which Henry bishop of Winchester cut off before the altar:" meaning, (according to the ancient custom,) in confirmation, when they by that solemnity addicted themselves to the free servitude of the Lord Jesus. The ceremony is obsolete and changed, but the mystery can never. And indeed that is one of the advantages in which we can rejoice concerning the ministration of this rite in the church of England and Ireland; that whereas it was sometimes clouded, sometimes hindered, and sometimes hurt, by the appendage of needless and useless ceremonies; it is now reduced to the primitive and first simplicity amongst us, and the excrescences used in the church of Rome are wholly pared away, and by holy prayers and the apostolical ceremony of imposition of the bishops' hands, it is worthily and zealously administered. The Latins used to send chrism to the Greeks, when they had usurped some jurisdiction over them, and the pope's chaplains went with a quantity of it to Constantinople, where the Russians usually met them for it; for that was then the ceremony of this ministration: but when the Latins demanded fourscore pounds of gold besides other gifts, they went away and changed their custom, rather than pay an unlawful and ungodly tribute. "Non quærimus vestra sed vos;" we require nothing but leave to impart God's blessings with pure intentions and a spiritual ministry. And as the bishops of our churches receive nothing from the people for the ministration of this rite, so they desire nothing but love and just obedience in spiritual and ecclesiastical duties; and we offer our flocks spiritual things without mixture of temporal advantages from them; we minister the rituals of the gospel without the inventions of men,

[a] *Αὐτὸς δέσποτα, παμβασιλεῦ, εὐσπλαγχνε, χαρίσαι αὐτῷ καὶ τὴν σφραγῖδα τῆς δωρεᾶς τοῦ ἁγίου, καὶ παντοδυναμου καὶ προσκυνητοῦ σου Πνεύματος.*

[b] *Ὁ μὲν Πατὴρ διήλλακται, ὁ δὲ Υἱὸς διήλλαξε, τὸ δὲ Πνεῦμα τὸ ἅγιον φίλοις ἤδη καταστᾶσι δῶρον.*

[c] De miraculis S. Benedict. lib. 1. c. 1. 14.

religion without superstition, and only desire to be believed in such things, which we prove from Scripture expounded by the catholic practice of the church of God.

Concerning the subject of this discourse, "the Rite of Confirmation;" it were easy to recount many great and glorious expressions which we find in the sermons of the holy fathers of the primitive ages: so certain it is, that in this thing we ought to be zealous, as being desirous to persuade our people to give us leave to do them great good. But the following pages will do it, I hope, competently: only we shall remark, that when they had gotten a custom anciently, that in cases of necessity they did permit deacons and laymen sometimes to baptize, yet they never did confide in it much; but with much caution and curiosity commanded that such persons should, when that necessity was over, be carried to the bishop to be confirmed, so to supply all precedent defects relating to the past imperfect ministry, and future necessity and danger; as appears in the council of Eliberis. And the ancients had so great estimate and veneration to this holy rite, that as in heraldry they distinguish the same thing by several names, when they relate to persons of greater eminency, and they blazon the arms of the gentry by metals, of the nobility by precious stones, but of kings and princes by planets; so when they would signify the unction which was used in confirmation, they gave it a special word, and of more distinction and remark; and therefore the oil used in baptism they called ἔλαιον, but that of confirmation was μύρον καὶ χρίσμα· and they who spake properly, kept this difference of words, until, by incaution and ignorant carelessness, the names fell into confusion, and the thing into disuse and disrespect. But it is no small addition to the honour of this ministration, that some wise and good men have piously believed, that when baptized christians are confirmed, and solemnly blessed by the bishop, that then it is that a special angel-guardian is appointed to keep their souls from the assaults of the spirits of darkness. Concerning which, though I shall not interpose mine own opinion, yet this I say, that the piety of that supposition is not disagreeable to the intention of this rite: for since by this the Holy Spirit of God (the Father of spirits) is given, it is not unreasonably thought by them, that the other good spirits of God, the angels, who are "ministering spirits, sent forth to minister to the good of them that shall be heirs of salvation," should pay their kind offices in subordination to their prince and fountain; that the first in every kind might be the measure of all the rest. But there are greater and stranger things than this that God does for the souls of his servants, and for the honour of the ministries which himself hath appointed.

We shall only add that this was ancient, and long before popery entered into the world, and that this rite has been more abused by popery than by any thing: and to this day the bigots of the Roman church are the greatest enemies to it; and from them the presbyterians. But besides that the church of England and Ireland does religiously retain it, and hath appointed a solemn officer for the ministry; the Lutheran and Bohemian churches do observe it carefully, and it is recommended and established in the harmony of the protestant confessions.

And now, may it please your Grace to give me leave to implore your aid and countenance for the propagating this so religious and useful a ministry, which, as it is a peculiar of the bishop's office, is also a great enlarger of God's gifts to the people. It is a great instrument of union of hearts, and will prove an effective deletery to schism, and an endearment to the other parts of religion; it is the consummation of baptism, and a preparation to the Lord's supper: it is the virtue from on high, and the solemnity of our spiritual adoption. But there will be no need to use any arguments to inflame your zeal in this affair, when your Grace shall find, that to promote it will be a great service to God; for this alone will conclude your Grace, who are so ready, by laws and executions, by word and by example, to promote the religion of Christ, as it is taught in these churches. I am not confident enough to desire your Grace, for the reading this discourse, to lay aside any one hour of your greater employments, which consume so much of your days and nights: but I say that the subject is greatly worthy of consideration: "Nihil enim inter manus habui, cui majorem sollicitudinem præstare deberem." And for the book itself, I can only say what Secundus did to the wise Lupercus, "Quoties ad fastidium legentium deliciasque respicio, intelligo nobis commendationem ex ipsâ mediocritate libri petendam:" I can commend it because it is little, and so not very troublesome. And if it could have been written according to the worthiness of the thing treated in it, it would deserve so great a patronage: but because it is not, it will therefore greatly need it; but it can hope for it on no other account, but because it is laid at the feet of a princely person, who is great and good, and one who not only is bound by duty, but by choice hath obliged himself to do advantages to any worthy instrument of religion. But I have detained your Grace so long in my address, that your pardon will be all the favour which ought to be hoped for by

Your Grace's most humble

And obliged Servant,

JER. DUNENSIS.

A

DISCOURSE OF CONFIRMATION.

THE INTRODUCTION.

NEXT to the incarnation of the Son of God, and the whole economy of our redemption wrought by him in an admirable order and conjugation of glorious mercies, the greatest thing that ever God did to the world, is the giving to us the Holy Ghost: and possibly this is the consummation and perfection of the other. For in the work of redemption Christ indeed made a new world; we are wholly a new creation, and we must be so: and therefore when St. John began the narrative of the gospel, he began in a manner and style very like to Moses in his history of the first creation; "In the beginning was the Word," &c. "All things were made by him; and without him was not any thing made that was made." But as in the creation the matter was first, (there were indeed heavens, and earth, and waters; but all this was rude and "without form," till "the Spirit of God moved upon the face of the waters,") so it is in the new creation. We are a new mass, redeemed with the blood of Christ, rescued from an evil portion, and made candidates of heaven and immortality; but we are but an embryo in the regeneration, until the Spirit of God enlivens us and moves again upon the waters: and then every subsequent motion and operation is from the Spirit of God. "We cannot say that Jesus is the Lord, but by the Holy Ghost." By him we live, in him we walk, by his aids we pray, by his emotions we desire: we breathe, and sigh, and groan, by him: he "helps us in all our infirmities," and he gives us all our strengths; he reveals mysteries to us, and teaches us all our duties; he stirs us up to holy desires, and he actuates those desires; he "makes us to will and to do of his good pleasure."

For the Spirit of God is that in our spiritual life, that a man's soul is in his natural: without it we are but a dead and lifeless trunk. But then, as man's soul, in proportion to the several operations of life, obtains several appellatives (it is vegetative and nutritive, sensitive and intellective, according as it operates); so is the Spirit of God. He is the Spirit of regeneration in baptism, of renovation in repentance; the Spirit of love, and the Spirit of holy fear; the Searcher of the hearts, and the Spirit of discerning; the Spirit of wisdom, and the Spirit of prayer. In one mystery he illuminates, and in another he feeds us: he begins in one, and finishes and perfects in another. It is the same Spirit working divers operations. For he is all this now reckoned, and he is every thing else that is the principle of good unto us; he is the beginning and the progression, the consummation and perfection, of us all: and yet every work of his is perfect in its kind, and in order to his own designation; and from the beginning to the end is perfection all the way. Justifying and sanctifying grace is the proper entitative product in all; but it hath divers appellatives and connotations in the several rites: and yet even then also, because of the identity of the principle, the similitude and general consonancy in the effect, the same appellative is given, and the same effect imputed to more than one; and yet none of them can be omitted, when the great Master of the family hath blessed it, and given it institution. Thus St. Dionysius calls baptism *τὴν ἱερὰν τῆς θεογονίας τελείωσιν*, "the perfection of the divine birth;" and yet the baptized person must receive other mysteries, which are more signally perfective: *ἡ τοῦ μύρου χρίσις τελειωτική*· confirmation is yet more perfective, and is properly "the perfection of baptism."

By baptism we are heirs, and are adopted to the inheritance of sons, admitted to the covenant of repentance, and engaged to live a good life; yet this is but the solemnity of the covenant, which must pass into after-acts by other influences of the same divine principle. Until we receive the spirit of obsignation or confirmation, we are but babes in Christ, in the meanest sense, infants that can do nothing, that cannot speak, that cannot resist any violence, exposed to every rudeness, and perishing by every temptation.

But therefore, as God at first appointed us a ministry of a new birth; so also hath he given to his church the consequent ministry of a new strength. The Spirit moved a little upon the waters of baptism, and gave us the principles of life; but in confirmation he makes us able to move ourselves. In the first he is the Spirit of life; but in this he is the Spirit of strength and motion. "Baptisma est nativitas, unguentum verò est nobis actionis instar et motûs," said Cabasilas.—"In baptism we are entitled to the inheritance: but because we are in our infancy and minority, the Father gives unto his sons a tutor, a guardian and a teacher in confirmation," said Rupertus:[a] that as we are baptized into the death and resurrection of Christ; so in confirmation

[a] De Divin. Offic. lib. 5. c. 17.

we may be renewed in the inner man, and strengthened in all our holy vows and purposes, by the Holy Ghost ministered according to God's ordinance.

The holy right of confirmation is a divine ordinance, and it produces divine effects, and is ministered by divine persons, that is, by those whom God hath sanctified and separated to this ministration. At first all that were baptized, were also confirmed; and ever since, all good people that have understood it, have been very zealous for it; and time was in England, even since the first beginnings of the Reformation, when confirmation had been less carefully ministered for about six years, when the people had their first opportunities of it restored, they ran to it in so great numbers, that churches and churchyards would not hold them; insomuch that I have read[b] that the bishop of Chester was forced to impose hands on the people in the fields, and was so oppressed with multitudes, that he had almost been trod to death by the people, and had died with the throng, if he had not been rescued by the civil power.

But men have too much neglected all the ministries of grace, and this most especially, and have not given themselves to a right understanding of it, and so neglected it yet more. But because the prejudice, which these parts of the christian church have suffered for want of it, is very great, (as will appear by enumeration of the many and great blessings consequent to it,) I am not without hope, that it may be a service acceptable to God, and a useful ministry to the souls of my charges, if by instructing them that know not, and exhorting them that know, I set forward the practice of this holy rite, and give reasons why the people ought to love it and to desire it, and how they are to understand and practise it, and consequently, with what duteous affections they are to relate to those persons, whom God hath in so special and signal manner made to be, for their good and eternal benefit, the ministers of the Spirit and salvation.

St. Bernard in the life of St. Malachias, my predecessor in the see of Down and Connor, reports that it was the care of that good prelate to renew the rite of confirmation in his diocess, where it had been long neglected and gone into desuetude. It being too much our case in Ireland, I find the same necessity, and am obliged to the same procedure, for the same reason, and in pursuance of so excellent an example: "Hoc enim est evangelizare Christum, (said St. Austin,[c]) non tantùm docere quæ sunt dicenda de Christo, sed etiam quæ observanda ei, qui accedit ad compagem corporis Christi;" "For this is to preach the gospel, not only to teach those things which are to be said of Christ, but those also which are to be observed by every one who desires to be confederated into the society of the body of Christ," which is his church: that is, not only the doctrines of good life, but the mysteries of godliness, and the rituals of religion, which issue from a Divine fountain, are to be declared by him who would fully preach the gospel.

In order to which performance I shall declare,

1. The Divine original, warranty, and institution, of the holy rite of confirmation.

2. That this rite was to be a perpetual and never-ceasing ministration.

3. That it was actually continued and practised by all the succeeding ages of the purest and primitive churches.

4. That this rite was appropriate to the ministry of bishops.

5. That prayer and imposition of the bishops' hands did make the whole ritual; and though other things were added, yet they were not necessary, or any thing of the institution.

6. That many great graces and blessings were consequent to the worthy reception and due ministration of it.

7. I shall add something of the manner of preparation to it, and reception of it.

SECTION I.

Of the Divine Original, Warranty, and Institution, of the holy Rite of Confirmation.

In the church of Rome, they have determined confirmation to be a sacrament, "proprii nominis," properly and really; and yet their doctors have, some of them at least, been "paulò iniquiores," "a little unequal and unjust" to their proposition; insomuch that from themselves we have had the greatest opposition in this article. Bonacina[d] and Henriquez allow the proposition, but make the sacrament to be so unnecessary, that a little excuse may justify the omission and almost neglect of it. And Loemilius and Daniel à Jesu, and generally the English Jesuits, have, to serve some ends of their own family and order, disputed it almost into contempt, that by representing it as unnecessary, they might do all the ministries ecclesiastical in England without the assistance of bishops their superiors, whom they therefore love not, because they are so. But the theological faculty of Paris have condemned their doctrine as temerarious, and savouring of heresy; and in the latter schools have approved rather the doctrine of Gamachæus, Estius, Kellison, and Bellarmine, who indeed do follow the doctrine of the most eminent persons in the ancient school, Richard of Armagh, Scotus, Hugo Cavalli, and Gerson the learned chancellor of Paris; who following the old Roman order, Amalarius and Albinus, do all teach confirmation to be of great and pious use, of Divine original, and to many purposes necessary, according to the doctrine of the Scriptures and the primitive church.

Whether confirmation be a sacrament or no, is of no use to dispute; and if it be disputed, it can never be proved to be so as baptism and the Lord's supper, that is "as generally necessary to salvation:" but though it be no sacrament, it cannot follow that it

[b] Vindic. Ecclesiast. Hierarch. per Franc. Hallier.
[c] Cap. 9. de Fide et Operibus.

[d] De Sacram. disp. 3. q. Unit. Punct. 3. 2. lib. 3. de Sacram.

is not of very great use and holiness: and as a man is never the less tied to repentance, though it be no sacrament; so neither is he ever the less obliged to receive confirmation, though it be (as it ought) acknowledged to be of a use and nature inferior to the two sacraments of divine, direct, and immediate institution. It is certain that the fathers, in a large, symbolical, and general sense, call it "a sacrament;" but mean not the same thing by that word when they apply it to confirmation, as they do when they apply it to baptism and the Lord's supper. That it is an excellent and Divine ordinance to purposes spiritual, that it comes from God, and ministers in our way to God, that is all we are concerned to inquire after: and this I shall endeavour to prove not only against the Jesuits, but against all opponents of what side soever.

My first argument from Scripture is what I learn from Optatus and St. Cyril. Optatus writing against the Donatists hath these words: "Christ descended into the water,—not that in him, who is God, was any thing that could be made clearer, but that the water was to precede the future unction, for the initiating and ordaining and fulfilling the mysteries of baptism. He was washed, when he was in the hands of John; then followed the order of the mystery, and the Father finished what the Son did ask, and what the Holy Ghost declared: the heavens were opened, God the Father anointed him, the spiritual unction presently descended in the likeness of a dove, and sat upon his head, and was spread all over him, and he was called 'the Christ,' when he was 'the anointed of the Father.' To whom also, lest imposition of hands should seem to be wanting, the voice of God was heard from the cloud, saying, 'This is my Son in whom I am well pleased, hear ye him.'"—That which Optatus says is this; that, upon and in Christ's person, baptism, confirmation, and ordination, were consecrated and first appointed. He was baptized by St. John; he was confirmed by the Holy Spirit, and anointed with spiritual unction in order to that great work of obedience to his Father's will; and he was consecrated by the voice of God from heaven. In all things Christ is the head, and the first-fruits; and in these things was the fountain of the sacraments and spiritual grace, and the great exemplar of the economy of the church. For Christ was "nullius pœnitentiæ debitor:" baptism of repentance was not necessary to him, who never sinned; but so it became him to fulfil all righteousness, and to be a pattern to us all. But we have need of these things, though he had not; and in the same way in which salvation was wrought by him for himself and for us all, in the same way he intended [e] we should walk. He was baptized, because his Father appointed it so: we must be baptized, because Christ hath appointed it, and we have need of it too. He was consecrated to be the great prophet and the great priest, because "no man takes on him this honour, but he that was called of God, as was Aaron:" and all they who are to minister in his prophetical office under him, must be consecrated and solemnly set apart for that ministration, and after his glorious example. He was anointed with a spiritual unction from above after his baptism; for "after Jesus was baptized," he ascended up from the waters, and then the Holy Ghost descended upon him. It is true, he received the fulness of the Spirit; but we receive him by measure; but "of his fulness we all receive, grace for grace:" that is, all that he received in order to his great work, all that in kind, one for another, grace for grace, we are to receive according to our measures and our necessities. And as all these he received by external ministrations, so must we: God the Father appointed his way, and he, by his example first, hath appointed the same to us; that we also may follow him in the regeneration, and work out our salvation by the same graces in the like solemnities. For if he needed them for himself, then we need them much more. If he did not need them for himself, he needed them for us, and for our example, that we might follow his steps, who, by receiving these exterior solemnities and inward graces, became "the author and finisher of our salvation," and the great example of his church.—I shall not need to make use of the fancy of the Murcosians and Colobarsians, who turning all mysteries into numbers, reckoned the numeral letters of περιστερὰ, and made them coincident to the α and ω; but they intended to say, that Christ, receiving the holy dove after his baptism, became all in all to us, the beginning and the perfection of our salvation; here he was confirmed, and received the ω to his α, the consummation to his initiation, the completion of his baptism and of his headship in the gospel. But that which I shall rather add, is what St. Cyril [f] from hence argues: "When he truly was baptized in the river of Jordan, he ascended out of the waters, and the Holy Ghost substantially descended upon him, like resting upon like. And to you also in like manner, after ye have ascended from the waters of baptism, the unction is given which bears the image or similitude of him by whom Christ was anointed—that as Christ after baptism and the coming of the Holy Spirit upon him, went forth to battle (in the wilderness) and overcame the adversary; so ye also, after holy baptism and the mystical unction, (or confirmation,) being vested with the armour of the Holy Spirit, are enabled to stand against the opposite powers."—Here then is the first great ground of our solemn receiving the Holy Spirit, or the unction from above after baptism, which we understand and represent by the word confirmation, denoting the principal effect of this unction, spiritual strength. Christ, who is the head of the church, entered this way upon his duty and work: and he who was the first of all the church, the head and great example, is the measure of all the rest; for we can go to heaven no way but in that way in which he went before us.

There are some, who from this story would infer

[e] 1 John ii. 8.

[f] Cateches. 3. Πνεύματος ἁγίου οὐσιώδης ἐπιφοίτησις αὐτῷ ἐγίνετο.

the descent of the Holy Ghost after Christ's baptism not to signify, that confirmation was to be a distinct rite from baptism, but a part of it,—yet such a part as gives fulness and consummation to it. St. Jerome, Chrysostom, Euthymius, and Theophylact, go not so far, but would have us by this to understand that the Holy Ghost is given to them that are baptized. But reason and the context are both against it. 1. Because the Holy Ghost was not given by John's baptism; that was reserved to be one of Christ's glories; who also, when by his disciples he baptized many, did not give them the Holy Ghost: and when he commanded his apostles to baptize all nations, did not at that time so much as promise the Holy Ghost: he was promised distinctly and given by another ministration. 2. The descent of the Holy Spirit was a distinct ministry from the baptism: it was not only after Jesus ascended from the waters of baptism; but there was something intervening, and by a new office or ministration: for there was prayer joined in the ministry. So St. Luke observes; "while Jesus was praying, the heavens were opened," and the Holy Spirit descended: for so Jesus was pleased to consign the whole office and ritual of confirmation. Prayer for invocating the Holy Spirit, and giving him by personal application; which as the Father did immediately, so the bishops do by imposition of hands. 3. St. Austin observes that the apparition of the Holy Spirit like a dove was the visible or ritual part; and the voice of God was the word to make it to be sacramental; "accedit verbum ad elementum, et fit sacramentum:"[g] for so the ministration was not only performed on Christ, but consigned to the church by similitude and exemplar institution. I shall only add, that the force of this argument is established to us by more of the fathers. St. Hilary upon this place hath these words:[h] "The Father's voice was heard, that from those things which were consummated in Christ, we might know, that, after the baptism of water, the Holy Spirit from the gates of heaven flies unto us; and that we are to be anointed with the unction of a celestial glory, and be made the sons of God by the adoption of the voice of God; the truth by the very effects of things, prefigured unto us the similitude of a sacrament."—So St. Chrysostom:[i] "In the beginnings always appear the sensible visions of spiritual things for their sakes, who cannot receive the understanding of an incorporeal nature; that if afterwards they be not so done, (that is, after the same visible manner,) they may be believed by those things which were already done.—But more plain is that of Theophylact:[k] "The Lord had not need of the descent of the Holy Spirit, but he did all things for our sakes; and himself is become the first-fruits of all things, which we afterwards were to receive, that he might become the first-fruits among many brethren." The consequent is this, which I express in the words of St. Austin, affirming, "Christi in baptismo columbam unctionem nostram præfigurâsse," "The dove in Christ's baptism did represent and prefigure our unction from above," that is, the descent of the Holy Ghost upon us in the rite of confirmation. Christ was baptized, and so must we. But after baptism he had a new ministration for the reception of the Holy Ghost: and because this was done for our sakes, we also must follow that example. And this being done immediately before his entrance into the wilderness to be tempted of the devil, it plainly describes to us the order of this ministry, and the blessing designed to us: after we are baptized, we need to be strengthened and confirmed "propter pugnam spiritualem;" we are to fight against the flesh, the world, and the devil, and therefore must receive the ministration of the Holy Spirit of God: which is the design and proper work of confirmation. For (they are the words of the excellent author of the imperfect work upon St. Matthew, imputed to St. Chrysostom)[l] "The baptism of water profits us, because it washes away the sins we have formerly committed, if we repent of them. But it does not sanctify the soul, nor precedes the concupiscences of the heart and our evil thoughts, nor drives them back, nor represses our carnal desires. But he therefore who is (only) so baptized, that he does not also receive the Holy Spirit, is baptized in his body, and his sins are pardoned; but in his mind he is yet but a catechumen: for so it is written, 'He that hath not the Spirit of Christ, is none of his:' and therefore afterward out of his flesh will germinate worse sins, because he hath not received the Holy Spirit conserving him, (in his baptismal grace,) but the house of his body is empty; wherefore that wicked spirit finding it swept with the doctrines of faith, as with besoms, enters in, and in a sevenfold manner dwells there." Which words, besides that they well explicate this mystery, do also declare the necessity of confirmation, or receiving the Holy Ghost after baptism, in imitation of the Divine precedent of our blessed Saviour.

2. After the example of Christ, my next argument is from his words spoken to Nicodemus in explication of the prime mysteries evangelical: "Unless a man be born of water and of the Holy Spirit, he shall not enter into the kingdom of God."[m] These words are the great argument, which the church uses for the indispensable necessity of baptism; and having in them so great effort, and not being rightly understood, they have suffered many convulsions (shall I call them?) or interpretations. Some serve their own hypothesis by saying that water is the symbol, and the Spirit is the baptismal grace: others, that it is a ἓν διὰ δυοῖν, one is only meant, though here be two signatures. But others conclude, that water is only necessary, but the Spirit is superadded as being afterwards to supervene and move upon these waters: and others yet affirm, that by water is only meant a spiritual ablution, or the effect produced by the Spirit; and still they have entangled the words so that they have been made useless to the christian church, and the meaning too many other things makes nothing to be

[g] Tract. 80. in Joan.
[h] S. Hilar. can. 4. in fine.
[i] In Matthæum.
[k] Ibid.
[l] Homil. 4.
[m] John iii. 5.

understood. But truth is easy, intelligible, and clear, and without objection, and is plainly this:

Unless a man be baptized into Christ, and confirmed by the Spirit of Christ, he cannot enter into the kingdom of Christ; that is, he is not perfectly adopted into the christian religion, or fitted for the christian warfare. And if this plain and natural sense be admitted, the place is not only easy and intelligible, but consonant to the whole design of Christ and analogy of the New Testament.

For, first, Our blessed Saviour was catechising of Nicodemus, and teaching him the first rudiments of the gospel, and like a wise master-builder, first lays the foundation, "the doctrine of baptism and laying on of hands:" which afterwards St. Paul put into the christian catechism, as I shall show in the sequel. Now these also are the first principles of the christian religion taught by Christ himself, and things which at least to the doctors might have been so well known, that our blessed Saviour upbraids the not knowing them as a shame to Nicodemus. St. Chrysostom and Theophylact, Euthymius and Rupertus, affirm, that this generation by water and the Holy Spirit might have been understood by the Old Testament, in which Nicodemus was so well skilled. Certain it is, the doctrine of baptism was well enough known to the Jews, and the ἐπιφοίτησις τοῦ Πνεύματος τοῦ Θεοῦ, "the illumination and irradiations of the Spirit of God" was not new to them, who believed the visions and dreams, the daughter of a voice, and the influences from heaven upon the sons of the prophets: and therefore although Christ intended to teach him more than what he had distinct notice of, yet the things themselves had foundation in the law and the prophets: but although they were high mysteries, and scarce discerned by them who either were ignorant or incurious of such things; yet to the christians they were the very rudiments of their religion, and are best expounded by observation of what St. Paul placed in the very foundation. But,

2. Baptism is the first mystery, that is certain; but that this of "being born of the Spirit" is also the next, is plain in the very order of the words: and that it does mean a mystery distinct from baptism, will be easily assented to by them who consider, that although Christ baptized and made many disciples by the ministry of his apostles, yet they who were so baptized into Christ's religion, did not receive this baptism of the Spirit till after Christ's ascension.

3. The baptism of water was not peculiar to John the Baptist, for it was also of Christ, and ministered by his command; it was common to both; and therefore the baptism of water is the less principal here. Something distinct from it is here intended. Now if we add to these words, that St. John tells of another baptism which was Christ's peculiar, "He shall baptize you with the Holy Ghost and with fire;" that these words were literally verified upon the apostles in Pentecost, and afterwards upon all the baptized in spiritual effect, (who, besides the baptism of water, distinctly had the baptism of the Spirit in confirmation,) it will follow, that of necessity this must be the meaning and the verification of these words of our blessed Saviour to Nicodemus, which must mean a double baptism: "Transibimus per aquam et ignem, antequam veniemus in refrigerium," "We must pass through water and fire, before we enter into rest;" that is, we must first be baptized with water, and then with the Holy Ghost, who first descended in fire; that is, the only way to enter into Christ's kingdom is by these two doors of the tabernacle, which God hath pitched, and not man,—first by baptism, and then by confirmation; first by water, and then by the Spirit.

The primitive church had this notion so fully amongst them, that the author of the Apostolical Constitutions, attributed to St. Clement,[n] who was St. Paul's scholar, affirms, That a man is made a perfect christian (meaning ritually and sacramentally, and by all exterior solemnity) by the water of baptism and confirmation of the bishop; and from these words of Christ now alleged, derives the use and institution of the rite of confirmation. The same sense of these words is given to us by St. Cyprian,[o] who intending to prove the insufficiency of one without the other, says, "Tunc enim plenè sanctificari et esse Dei filii possunt, si sacramento utroque nascantur, cùm scriptum sit, 'Nisi quis natus fuerit ex aquâ et Spiritu, non potest intrare in regnum Dei,'" "Then they may be fully sanctified, and become the sons of God, if they be born with both the sacraments, or rites; for it is written, 'Unless a man be born of water and the Spirit, he cannot enter into the kingdom of God.'"—The same also is the commentary of[p] Eusebius Emissenus; and St. Austin[q] tells, that although some understand these words only of baptism, and others of the Spirit only, viz. in confirmation; yet others (and certainly much better) understand "utrumque sacramentum," "both the mysteries," of confirmation as well as baptism. Amalarius Fortunatus[r] brings this very text to reprove them that neglect the episcopal imposition of hands: "Concerning them who by negligence lose the bishop's presence, and receive not the imposition of his hands, it is to be considered, lest in justice they be condemned, in which they exercise justice negligently, because they ought to make haste to the imposition of hands: because Christ said, 'Unless a man be born again of water and the Spirit, he cannot enter into the kingdom of God:' and as he said this, so also he said, 'Unless your righteousness exceed the righteousness of the scribes and Pharisees, ye shall not enter into the kingdom of heaven.'"

To this I foresee two objections may be made. 1. That Christ did not institute confirmation in this place, because confirmation being for the gift of the Holy Ghost, who was to come upon none of the apostles till Jesus was glorified, these words seem too early for the consigning an effect that was to be so long after, and a rite that could not be practised till many intermedial events should happen. So

[n] S. Clem. Ep. 4. Constit. Apost.
[o] Ad Stephanum.
[p] Homil. in Dominic. prim. post. Ascens.
[q] Epist. 108. ad Seleucianum.
[r] Lib. c. 27.

said the evangelist;[s] "the Holy Ghost was come upon none of them, because Jesus was not yet glorified;" intimating that this great effect was to be in after-time: and it is not likely that the ceremony should be ordained before the effect itself was ordered and provided for; that the solemnity should be appointed before provisions were made for the mystery; and that the outward, which was wholly for the inward, should be instituted, before the inward and principal had its abode amongst us.

To this I answer, 1. That it is no unusual thing; for Christ gave the sacrament of his body before his body was given; the memorial of his death was instituted before his death. 2. Confirmation might here as well be instituted as baptism; and by the same reason that the church from these words concludes the necessity of one, she may also infer the designation of the other; for the effect of baptism was at that time no more produced than that of confirmation. Christ had not yet purchased to himself a church, he had not wrought remission of sins to all that believe on him; the death of Christ was not yet past, into which death the christian church was to be baptized. 3. These words are so an institution of confirmation, as the sixth chapter of St. John is of the blessed eucharist: it was "designativa," not "ordinativa," it was in design, not in present command; here it was preached, but not reducible to practice till its proper season. 4. It was like the words of Christ to St. Peter; "When thou art converted, confirm thy brethren." Here the command was given, but that confirmation of his brethren was to be performed in a time relative to a succeeding accident. 5. It is certain that long before the event, and grace was given, Christ did speak of the Spirit of confirmation, that Spirit which was to descend in Pentecost, which all they were to receive who should believe on him, which whosoever did receive, "out of his belly should flow rivers of living waters," as is to be read in that place of St. John[t] now quoted. 6. This predesignation of the Holy Spirit of confirmation was presently followed by some antepast and "donariola," or "little givings" of the Spirit; for our blessed Saviour gave the Holy Ghost three several times. First, ἀμυδρῶς, "obscurely," and by intimation and secret virtue, then when he sent them to heal the sick, and anoint them with oil in the name of the Lord. Secondly, ἐκτυποτέρως, "more expressly" and signally after the resurrection, when he took his leave of them, and said, "Receive ye the Holy Ghost:" and this was to give them a power of ministering remission of sins, and therefore related to baptism and the ministries of repentance. But, thirdly, he gave it τελειοτέρως, "more perfectly," and this was the Spirit of confirmation; for he was not at all until now, οὔπω γὰρ ἦν Πνεῦμα ἅγιον, says the text: "the Holy Ghost was not yet:" so almost all the Greek copies, printed and manuscript; and so St. Chrysostom, Athanasius, Cyril, Ammonius in the Catena of the Greeks, Leontius, Theophylact, Euthymius, and all the Greek fathers read it; so St. Jerome[u] and St. Austin[x] among the Latins, and some Latin translations, read it. Our translations read it, "the Holy Ghost was not yet given," was not ἐν αὐτοῖς, "in them," as some few Greek copies read it: but the meaning is alike, confirmation was not yet actual,—the Holy Spirit, viz. of confirmation, was not yet come upon the church; but it follows not but he was long before promised, designed and appointed, spoken of and declared. The first of these collations had the ceremony of chrism or anointing joined with it, which the church in process of time transferred into her use and ministry: yet it is the last only that Christ passed into an ordinance for ever; it is this only which is the sacramental consummation of our regeneration in Christ; for in this the Holy Spirit is not only ἐνεργείᾳ παρὸν, "present by his power," but present οὐσιωδῶς, ὡς ἄν εἴποι τις συγγινόμενόν τε καὶ πολιτευόμενον, as St. Gregory Nazianzen expresses it, to dwell with us, to converse with us, and to abide for ever; οὗ ἐξέχεε ἐφ' ἡμᾶς πλουσίως· so St. Paul describes this Spirit of confirmation, the Spirit "which he hath poured forth upon us richly or plentifully," that is, in great measures, and to the full consummation of the first mysteries of our regeneration. Now because Christ is the great fountain of this blessing to us, and he it was who sent his Father's Spirit upon the church, himself best knew his own intentions, and the great blessings he intended to communicate to his church; and therefore it was most agreeable that from his sermons we should learn his purposes, and his blessing, and our duty. Here Christ declared "rem sacramenti," the spiritual grace," which he would afterwards impart to his church by exterior ministry, in this as in all other graces, mysteries, and rituals evangelical: "Nisi quis, 'unless a man' be born both of water and the Spirit, he cannot enter into the kingdom of God."

But the next objection is yet more material. 2. For if this be the meaning of our blessed Saviour, then confirmation is as necessary as baptism, and without it ordinarily no man can be saved. The solution of this will answer a case of conscience, concerning the necessity of confirmation; and in what degree of duty and diligence we are bound to take care that we receive this holy rite. I answer therefore, that "entering into the kingdom of God," is being admitted into the christian church and warfare, to become sons of God, and soldiers of Jesus Christ. And though this be the outward door, and the first entrance into life, and consequently the king's highway, and the ordinary means of salvation; yet we are to distinguish the external ceremony from the internal mystery: the "Nisi quis" is for this, not for that; and yet that also is the ordinary way. "Unless a man be baptized," that is, unless he be indeed regenerate, he cannot be saved: and yet baptism, or the outward washing, is the solemnity and ceremony of its ordinary ministration; and he that neglects this, when it may be had, is not indeed regenerate; he is not renewed in the spirit of his mind, because he neglects God's way, and therefore can as little be saved as he who, having received the external sacrament, puts a bar to the intromis-

[s] John vii. 39. [t] Chap. vii. 38.

[u] Qu. 9. ad Heditiam. [x] In Joan. tract. 22.

sion of the inward grace. Both cannot always be had; but when they can, although they are not equally valuable in the nature of the thing, yet they are made equally necessary by the Divine commandment. And in this there is a great, but general mistake, in the doctrine of the schools, disputing concerning what sacraments are necessary "necessitate medii," that is, as "necessary means," and what are necessary by the necessity of precept, or Divine commandment. For although a less reason will excuse from the actual susception of some than of others, and a less diligence for the obtaining of one will serve than in obtaining of another, and a supply in one is easier obtained than in another; yet no sacrament hath in it any other necessity than what is made merely by the Divine commandment. But the grace of every sacrament, or rite, or mystery, which is of Divine ordinance, is necessary indispensably, so as without it no man can be saved. And this difference is highly remarkable in the words of Christ recorded by St. Mark;[y] "He that believeth and is baptized, shall be saved: but he that believeth not, shall be damned." Baptism itself, as to the external part, is not necessary "necessitate medii," or indispensably; but baptismal faith for the remission of sins in persons capable, that indeed is necessary: for Christ does not say that the want of baptism damns as the want of faith does; and yet both baptism and faith are the ordinary way of salvation, and both necessary; baptism because it is so by the Divine commandment, and faith as a necessary means of salvation, in the very economy and dispensation of the gospel. Thus it is also in the other sacrament; "Unless we eat the flesh of the Son of man, and drink his blood, we have no life in us:"[z] and yet God forbid that every man that is not communicated should die eternally. But it means plainly, that without receiving Christ, as he is by God's intention intended we should receive him in the communion, we have no life in us. Plainly thus, without the internal grace we cannot live; and the external ministry is the usual and appointed means of conveying to us the internal: and therefore although without the external it is possible to be saved, when it is impossible to be had; yet with the wilful neglect of it we cannot. Thus therefore we are to understand the words of Christ declaring the necessity of both these ceremonies: they are both necessary, because they are the means of spiritual advantages and graces, and both minister to the proper ends of their appointment, and both derive from a Divine original: but the ritual or ceremonial part in rare emergencies is dispensable; but the grace is indispensable. Without the grace of baptism we shall die in our sins; and without the grace or internal part of confirmation we shall never be able to resist the devil, but shall be taken captive by him at his will. Now the external or ritual part is the means, the season, and opportunity, of this grace; and therefore is at no hand to be neglected, lest we be accounted despisers of the grace, and tempters of God to ways and provisions extraordinary. For although when without our fault we receive not the sacramental part, God can and will supply it to us out of his own stores, because no man can perish without his own fault; and God can permit to himself what he pleases, as being Lord of the grace and of the sacrament: yet to us he hath given a law and a rule; and that is the way of his church, in which all christians ought to walk. In short, the use of it is greatly profitable; the neglect is inexcusable; but the contempt is damnable. "Tenentur non negligere, si pateat opportunitas," said the bishops in a synod at Paris: "If there be an opportunity, it must not be neglected."—"Obligantur suscipere, aut saltem non contemnere," said the synod at Sens: "They are bound to receive it, or at least not to despise it."—Now he despises it, that refuses it when he is invited to it, or when it is offered, or that neglects it without cause. For "causelessly" and "contemptuously" are all one. But these answers were made by gentle casuists: he only values the grace that desires it, that longs for it, that makes use of all the means of grace, that seeks out for the means, that refuses no labour, that goes after them as the merchant goes after gain: and therefore the old "ordo Romanus"[a] admonishes more strictly; "Omnino præcavendum esse, ut hoc sacramentum confirmationis non negligatur, quia tunc omne baptisma legitimum Christianitatis nomine confirmatur:" "We must by all means take heed, that the rite of confirmation be not neglected, because, in that, every true baptism is ratified and confirmed."—Which words are also to the same purpose made use of by Albinus Flaccus.[b] No man can tell to what degrees of diligence and labour, to what sufferings or journeyings, he is obliged for the procuring of this ministry: there must be "debita sollicitudo," a real, providential, zealous care to be where it is to be had, is the duty of every christian according to his own circumstances; but they who will not receive it unless it be brought to their doors, may live in such places and in such times, where they shall be sure to miss it, and pay the price of their neglect of so great a ministry of salvation. "Turpissima est jactura, quæ per negligentiam fit," "He is a fool that loses his good by carelessness:"[c] but no man is zealous for his soul, but he who not only omits no opportunity of doing it advantage when it is ready for him, but makes and seeks and contrives opportunities. "Si non necessitate, sed incuriâ et voluntate remanserit," as St. Clement's expression is; If a man wants it by necessity, it may, by the overflowings of the Divine grace, be supplied; but not so if negligence or choice cause the omission.

3. Our way being made plain, we may proceed to other places of Scripture to prove the Divine original of confirmation. It was a plant of our heavenly Father's planting, it was a branch of the vine, and how it springs from the root Christ Jesus we have seen; it is yet more visible as it was dressed and cultivated by the apostles. Now as soon as the apostles had received the Holy Spirit, they preached and

[y] xvi. 16. [z] John vi. 53.
[a] In Offic. Sab. Pasch. post orat. quæ dicitur data confirm.
[b] De Offic. Divin. in Sabb. S. Pasch.
[c] Seneca.

baptized, and the inferior ministers did the same, and St. Philip particularly did so at Samaria, the converts of which place received all the fruits of baptism; but christians though they were, they wanted a τελείωσις, "something to make them perfect." The other part of the narrative I shall set down in the words of St. Luke:[d] "Now when the apostles which were at Jerusalem heard that Samaria had received the word of God, they sent unto them Peter and John; who, when they were come down, prayed for them that they might receive the Holy Ghost: for as yet he was fallen upon none of them, only they were baptized in the name of the Lord Jesus. Then laid they their hands on them, and they received the Holy Ghost." If it had not been necessary to have added a new solemnity and ministration, it is not to be supposed the apostles Peter and John would have gone from Jerusalem to impose hands on the baptized at Samaria. "Id quod deerat à Petro et Joanne factum est, ut, oratione pro eis habitâ et manu impositâ, invocaretur et infunderetur super eos Spiritus Sanctus," said St. Cyprian:[e] "It was not necessary that they should be baptized again, only that which was wanting was performed by Peter and John, that by prayer and imposition of hands the Holy Ghost should be invocated and poured upon them."—The same also is, from this place, affirmed by Pope Innocentius the First,[f] St. Jerome,[g] and many others: and in the Acts of the Apostles we find another instance of the celebration of this ritual and mystery, for it is signally expressed of the baptized christians at Ephesus, that St. Paul first baptized them, and then laid his hands on them, and they received the Holy Ghost. And these testimonies are the great warranty for this holy rite. "Quod nunc in confirmandis neophytis manûs impositio tribuit singulis, hoc tunc Spiritûs Sancti descensio in credentium populo donavit universis," said Eucherius Lugdunensis, in his homily of Pentecost: "The same thing that is done now in imposition of hands on single persons, is no other than that which was done upon all believers in the descent of the Holy Ghost;" it is the same ministry, and all deriving from the same authority.

Confirmation or imposition of hands for the collation of the Holy Spirit, we see, was actually practised by the apostles, and that even before and after they preached the gospel to the gentiles; and therefore Amalarius, who entered not much into the secret of it, reckons this ritual as derived from the apostles, "per consuetudinem," "by catholic custom;" which although it is not perfectly spoken as to the whole αὐθεντία or "authority" of it, yet he places it in the apostles, and is a witness of the catholic succeeding custom and practice of the church of God. Which thing also Zanchius observing, though he followed the sentiment of Amalarius, and seemed to understand no more of it, yet says well; "Interim" (says he) "exempla apostolorum et veteris ecclesiæ vellem pluris æstimari:" "I wish that the example of the apostles and the primitive church were of more value amongst christians.—It were very well indeed they were so; but there is more in it than mere example. These examples of such solemnities productive of such spiritual effects are, as St. Cyprian calls them, "apostolica magisteria," "the apostles are our masters" in them, and have given rules and precedents for the church to follow. This is a christian law, and "written, as all Scriptures are, for our instruction." But this I shall expressly prove in the next paragraph.

4. We have seen the original from Christ, the practice and exercise of it in the apostles and the first converts in christianity: that which I shall now remark is, that this is established and passed into a christian doctrine. The warranty for what I say, are the words of St. Paul,[h] where the holy rite of confirmation, so called from the effect of this ministration, and expressed by the ritual part of it, "imposition of hands," is reckoned a fundamental point, θεμέλιος ἐπιθέσεως χειρῶν· "Not laying again the foundation of repentance from dead works, and of faith towards God, of the doctrine of baptisms, and of laying on of hands, of resurrection from the dead, and eternal judgment." Here are six fundamental points of St. Paul's catechism, which he laid as the foundation or the beginning of the institution of the christian church; and amongst these, imposition of hands is reckoned as a part of the foundation, and therefore they who deny it, dig up foundations. Now that this "imposition of hands" is that, which the apostles used in confirming the baptized, and invocating the Holy Ghost upon them, remains to be proved.

For it is true that imposition of hands signifies all christian rites except baptism and the Lord's supper; not the sacraments, but all the sacramentals of the church: it signifies confirmation, ordination, absolution, visitation of the sick, blessing single persons, (as Christ did the children brought to him,) and blessing marriages; all these were usually ministered by imposition of hands. Now the three last are not pretended to be any part of this foundation; neither reason, authority, nor the nature of the thing, suffers any such pretension: the question then is between the first three.

First, "Absolution of penitents" cannot be meant here, not only because we never read that the apostles did use that ceremony in their ablutions; but because the apostle, speaking of the foundation in which baptism is, and is reckoned one of the principal parts in the foundation, there needed no absolution but baptismal, for they and we believing "one baptism for the remission of sins;"[i] this is all the absolution that can be at first and in the foundation. The other was "secunda post naufragium tabula," it came in after, when men had made a shipwreck of their good conscience, and were, as St. Peter says, λήθην λαβόντες τοῦ καθαρισμοῦ τῶν πάλαι αὐτῶν ἁμαρτιῶν, "forgetful of the former cleansing and purification and washing of their old sins."[k]

Secondly, It cannot be meant of "ordination;"

[d] Acts viii. 14—17.
[e] Ad Jubaian.
[f] Epist. 1. c. 3.
[g] Adv. Luciferian.
[h] Heb. vi. 1, 2.
[i] Symbol. Nicæn. et Constantinop.
[k] 2 Pet. i. 9.

and this is also evident. 1. Because the apostle says he would thenceforth leave to speak of the foundation, and "go on to perfection," that is, to higher mysteries. Now in rituals, of which he speaks, there is none higher than ordination. 2. The apostle saying he would speak no more of imposition of hands, goes presently to discourse of the mysteriousness of the evangelical priesthood, and the honour of that vocation; by which it is evident he spake nothing of ordination in the catechism or narrative of fundamentals. 3. This also appears from the context, not only because "laying on of hands" is immediately set after "baptism," but also because in the very next words of his discourse he does enumerate and apportion to baptism and confirmation their proper and proportioned effects: to baptism, illumination, according to the perpetual style of the church of God, calling baptism φωτισμὸν, "an enlightening;" and to confirmation he reckons "tasting the heavenly gift," and "being made partakers of the Holy Ghost," by the thing signified declaring the sign, and by the mystery the rite. Upon these words St. Chrysostom discoursing, says, "that all these are fundamental articles; that is, that we ought to repent from dead works, to be baptized into the faith of Christ, and be made worthy of the gift of the Spirit, who is given by imposition of hands, and we are to be taught the mysteries of the resurrection and eternal judgment. This catechism (says he) is perfect: so that if any man have faith in God, and being baptized is also confirmed, and so tastes the heavenly gift, and partakes of the Holy Ghost, and by hope of the resurrection tastes of the good things of the world to come,—if he falls away from this state, and turns apostate from this whole dispensation, digging down and turning up these foundations, he shall never be built again, he can never be baptized again, and never be confirmed any more; God will not begin again, and go over with him again, he cannot be made a christian twice: if he remains upon these foundations, though he sins, he may be renewed διὰ μετάνοιαν, 'by repentance,' and by a resuscitation of the Spirit, if he have not wholly quenched him; but if he renounce the whole covenant, disown and cancel these foundations, he is desperate, he can never be renewed εἰς μετάνοιαν, to the title and economy of repentance." This is the full explication of this excellent place, and any other ways it cannot reasonably be explicated: but therefore into this place any notice of ordination cannot come, no sense, no mystery, can be made of it or drawn from it; but by the interposition of confirmation the whole context is clear, rational, and intelligible.

This then is that imposition of hands, of which the apostle speaks. "Unus hic locus abunde testatur," &c. saith Calvin: "This one place doth abundantly witness that the original of this rite or ceremony was from the apostles:" οὕτω γὰρ τὸ Πνεῦμα ἐλάμβανον, saith St. Chrysostom;[1] "for by this rite of imposition of hands they received the Holy Ghost."—For though the Spirit of God was given extra-regularly, and at all times, as God was pleased to do great things; yet this imposition of hands was διακονία Πνεύματος, this was "the ministry of the Spirit." For so we receive Christ, when we hear and obey his word: we eat Christ by faith, and we live by his Spirit; and yet the blessed eucharist is διακονία σώματος καὶ αἵματος, "the ministry of the body and blood of Christ." Now as the Lord's supper is appointed ritually to convey Christ's body and blood to us; so is confirmation ordained ritually to give unto us the Spirit of God. And though, by accident and by the overflowings of the Spirit, it may come to pass, that a man does receive perfective graces alone, and without ministries external: yet such a man without a miracle is not a perfect christian, "ex statuum vitæ dispositione;" but in the ordinary ways and appointment of God, and until he receive this imposition of hands, and be confirmed, is to be accounted an imperfect christian. But of this afterwards.

I shall observe one thing more out of this testimony of St. Paul. He calls it "the doctrine of baptisms and laying on of hands:" by which it does not only appear to be a lasting ministry, because no part of the christian doctrine could change or be abolished; but hence also it appears to be of Divine institution. For if it were not, St. Paul had been guilty of that which our blessed Saviour reproves in the scribes and Pharisees, and should have "taught for doctrines the commandments of men." Which because it cannot be supposed, it must follow, that this doctrine of confirmation or imposition of hands is apostolical and Divine. The argument is clear, and not easy to be reproved.

[1] In hunc locum.

SECTION II.

The Rite of Confirmation is a perpetual and never-ceasing Ministry.

YEA, but what is this to us? It belonged to the days of wonder and extraordinary: the Holy Ghost breathed upon the apostles and apostolical men; but then he breathed his last: "recedente gratiâ, recessit disciplina;" when the grace departed, we had no further use of the ceremony. In answer to this I shall ψιλαῖς ἐπινοίαις, by divers particulars evince plainly, that this ministry of confirmation was not temporary and relative only to the acts of the apostles, but was to descend to the church for ever. This indeed is done already in the preceding section; in which it is clearly manifested that Christ himself[m] made the baptism of the Spirit to be necessary to the church. He declared the fruits of this baptism, and did particularly relate it to the descent of the Holy Spirit upon the church at and after that glorious Pentecost. He sanctified it, and commended it by his example; just as in order to baptism he sanctified the flood Jordan, and all other waters, to the mystical washing away of sin, viz. by his great example, and fulfilling this righteousness

[m] John iii. 5.

also. This doctrine the apostles first found in their own persons and experience, and practised to all their converts after baptism by a solemn and external rite; and all this passed into an evangelical doctrine, the whole mystery being signified by the external rite in the words of the apostle, as before it was by Christ expressing only the internal; so that there needs no more strength to this argument. But that there may be wanting no moments to this truth, which the Holy Scripture affords, I shall add more weight to it: and,

1. The perpetuity of this holy rite appears, because this great gift of the Holy Ghost was promised "to abide with the church for ever." And when the Jews heard the apostles speak with tongues at the first and miraculous descent of the Spirit in Pentecost, to take off the strangeness of the wonder and the envy of the power, St. Peter[n] at that very time tells them plainly, "Repent and be baptized every one of you,—and ye shall receive the gift of the Holy Ghost:" ἕκαστος ὑμῶν· not the meanest person amongst you all but shall receive this great thing which ye observe us to have received; and not only you, but your children too; not your children of this generation only, "sed nati natorum, et qui nascentur ab illis," but your children for ever: "for the promise is to you, and to your children, and to all that are afar off, even to as many as the Lord our God shall call." Now then let it be considered,

1. This gift is by promise; by a promise not made to the apostles alone, but to all; to all for ever.

2. Consider here at the very first, as there is a "verbum," "a word" of promise, so there is "sacramentum" too (I use the word, as I have already premonished, in a large sense only, and according to the style of the primitive church): it is a rite partly moral, partly ceremonial; the first is prayer, and the other is laying on of the hands; and to an effect that is but transient and extraordinary, and of a little abode, it is not easy to be supposed that such a solemnity should be appointed. I say, "such a solemnity;" that is, it is not imaginable that a solemn rite annexed to a perpetual promise should be transient and temporary, for by the nature of relatives they must be of equal abode. The promise is of a thing for ever; the ceremony or rite was annexed to the promise, and therefore this also must be for ever.

3. This is attested by St. Paul, who reduces this argument to this mystery, saying, "In whom after that ye believed, 'signati estis Spiritu Sancto promissionis,' 'ye were sealed by that Holy Spirit of promise.'" He spake it to the Ephesians,[o] who well understood his meaning by remembering what was done to themselves by the apostles but awhile before,[p] who, after they had baptized them, did lay their hands upon them, and so they were sealed, and so they received the Holy Spirit of promise; for here the very matter of fact is the clearest commentary on St. Paul's words: the Spirit which was promised to all christians, they then received, when they were consigned, or had the ritual seal of confirmation by imposition of hands. One thing I shall remark here, and that is, that this and some other words of Scripture relating to the sacraments or other rituals of religion, do principally mean the internal grace, and our consignation is by a secret power, and the work is within; but it does not therefore follow, that the external rite is not also intended; for the rite is so wholly for the mystery, and the outward for the inward, and yet by the outward God so usually and regularly gives the inward, that as no man is to rely upon the external ministry, as if the "opus operatum" would do the whole duty; so no man is to neglect the external, because the internal is the more principal. The mistake in this particular hath caused great contempt of the sacraments and rituals of the church, and is the ground of the Socinian errors in these questions.

But, 4. What hinders any man from a quick consent at the first representation of these plain reasonings and authorities? Is it because there were extraordinary effects accompanying this ministration, and because now there are not, that we will suppose the whole economy must cease? If this be it, and indeed this is all that can be supposed in opposition to it, it is infinitely vain.

1. Because these extraordinary effects did continue even after the death of all the apostles. St. Irenæus[q] says they did continue even to his time, even the greatest instance of miraculous power: "Et in fraternitate, sæpissime propter aliquid necessarium, eâ quæ est in quoquo loco, universâ ecclesiâ postulante per jejunium et supplicationem multam reversus est spiritus," &c. When God saw it necessary, and the church prayed and fasted much, they did miraculous things, even of reducing the spirit to a dead man.

2. In the days of the apostles the Holy Spirit did produce miraculous effects, but neither always, nor at all, in all men: "Are all workers of miracles? do all speak with tongues? do all interpret? can all heal?"[r] No, "the Spirit bloweth where he listeth," and as he listeth; he gives gifts to all, but to some after this manner, and to some after that.

3. These gifts were not necessary at all times any more than to all persons; but the promise did belong to all, and was made to all, and was performed to all. In the days of the apostles there was an effusion of the Spirit of God, it ran over, it was for themselves and others, it wet the very ground they trod upon, and made it fruitful; but it was not to all in like manner, but there was also then, and since then, a diffusion of the Spirit, "tanquam in pleno." St. Stephen was full of the Holy Ghost, "he was full of faith and power:"[s] the Holy Ghost was given to him to fulfil his faith principally; the working miracles was but collateral and incident. But there is also an infusion of the Holy Ghost, and that is to all, and that is for ever: "the manifestation of the Spirit is given to every man to profit

[n] Acts ii. 38, 39. [o] Ephes. i. 13.
[p] Acts xix. 6. [q] Lib. 2. cap. 57.
[r] I Cor. xii. 29. [s] Acts vi. 8.

withal," saith the apostle.[t] And therefore if the grace be given to all, there is no reason that the ritual ministration of that grace should cease, upon pretence that the Spirit is not given extraordinarily.

4. These extraordinary gifts were indeed at first necessary: "In the beginnings always appear the sensible visions of spiritual things for their sakes, who cannot receive the understanding of an incorporeal nature; that if afterward they be not so done, they may be believed by those things which were already done," said St. Chrysostom[u] in the place before quoted; that is, these visible appearances were given at first by reason of the imperfection of the state of the church, but the greater gifts were to abide for ever: and therefore it is observable that St. Paul says that the gift of tongues is one of the least and most useless things; a mere sign, and not so much as a sign to believers, but to infidels and unbelievers; and before this he greatly prefers the gift of prophesying or preaching, which yet, all christians know, does abide with the church for ever.

To every ordinary and perpetual ministry at first there were extraordinary effects and miraculous consignations. We find great parts of nations converted at one sermon. Three thousand converts came in at once preaching of St. Peter, and five thousand at another sermon: and persons were miraculously cured by the prayer of the bishop in his visitation of a sick christian; and devils cast out in the conversion of a sinner; and blindness cured at the baptism of St. Paul; and Æneas was healed of a palsy at the same time he was cured of his infidelity; and Eutychus was restored to life at the preaching of St. Paul. And yet that now we see no such extraordinaries, it follows not that the visitation of the sick, and preaching sermons, and absolving penitents, are not ordinary and perpetual ministrations: and therefore to fancy that invocation of the Holy Spirit and imposition of hands is to cease when the extraordinary and temporary contingencies of it are gone, is too trifling a fancy to be put in balance against so sacred an institution relying upon so many scriptures.

6. With this objection some vain persons would have troubled the church in St. Austin's time; but he considered it with much indignation, writing against the Donatists. His words are these:[x] "At the first times the Holy Spirit fell upon the believers, and they spake with tongues which they had not learned, according as the Spirit gave them utterance. They were signs fitted for the season; for so the Holy Ghost ought to have signified in all tongues, because the gospel of God was to run through all the nations and languages of the world; so it was signified, and so it passed through. But is it therefore expected that they upon whom there is imposition of hands that they might receive the Holy Ghost, that they should speak with tongues? Or when we lay hands on infants, does every one of you attend to hear them speak with tongues? And when he sees that they do not speak with tongues, is any of you of so perverse a heart as to say, they have not received the Holy Ghost; for if they had received him, they would speak with tongues, as it was done at first? But if by these miracles there is not now given any testimony of the presence of the Holy Spirit, how doth any one know that he hath received the Holy Ghost? 'Interroget cor suum, Si diliget fratrem, manet Spiritus Dei in illo.'" It is true, the gift of tongues doth not remain, but all the greater gifts of the Holy Spirit remain with the church for ever; sanctification and power, fortitude and hope, faith and love. Let every man search his heart, and see if he belongs to God; whether the "love of God be not spread in his heart by the Spirit of God:" let him see if he be not patient in troubles, comforted in his afflictions, bold to confess the faith of Christ crucified, zealous of good works. These are the miracles of grace, and the mighty powers of the Spirit, according to that saying of Christ,[y] "These signs shall follow them that believe: in my name shall they cast out devils, they shall speak with new tongues, they shall tread on serpents, they shall drink poison, and it shall not hurt them; and they shall lay their hands on the sick, and they shall recover." That which we call the miraculous part, is the less power; but to cast out the devil of lust, to throw down the pride of Lucifer, to tread on the great dragon, and to triumph over our spiritual enemies, to cure a diseased soul, to be unharmed by the poison of temptation, of evil examples and evil company: these are the true signs that shall follow them, that truly and rightly believe on the name of the Lord Jesus; this is "to live in the Spirit," and "to walk in the Spirit;" this is more than to receive the Spirit to a power of miracles and supernatural products in a natural matter: for this is from a supernatural principle to receive supernatural aids to a supernatural end in the diviner spirit of a man; and this being more miraculous than the other, it ought not to be pretended that the discontinuance of extraordinary miracles should cause the discontinuance of an ordinary ministration; and this is that which I was to prove.

7. To which it is not amiss to add this observation, that Simon Magus offered to buy this power of the apostles, that he also, by laying on of hands, might thus minister the Spirit. Now he began this sin in the christian church, and it is too frequent at this day; but if all this power be gone, then nothing of that sin can remain; if the subject-matter be removed, then the appendant crime cannot abide, and there can be no simony, so much as by participation; and whatever is or can be done in this kind, is no more of this crime than drunkenness is of adultery; it relates to it, or may be introductive of it, or be something like it. But certainly since the church is not so happy as to be entirely free from the crime of simony, it will be hard to say that the power (the buying of which was the principle of this sin, and

[t] 1 Cor. xii. 7.
[u] In Matthæum.

[x] Tract. 6. in Canonicam Joan. circa med. et lib. 3. contr. Donatist. c. 6.
[y] Mark xvi. 17.

therefore the rule of all the rest) should be removed, and the house stand without a foundation, the relative without the correspondent, the accessary without the principal, and the accident without the subject. This is impossible, and therefore it remains that still there abides in the church this power, that, by imposition of the hands of fit persons, the Holy Ghost is ministered. But this will be further cleared in the next section.

SECTION III.

The Holy Rite of Imposition of Hands for the giving the Holy Spirit, or Confirmation, was actually continued and practised by all the succeeding Ages of the purest and primitive Church.

NEXT to the plain words of Scripture, the traditive interpretation and practice of the church of God is the best argument in the world for rituals and mystical ministrations; for the tradition is universal, and all the way acknowledged to be derived from Scripture. And although in rituals the tradition itself, if it be universal and primitive, as this is, were alone sufficient, and is so esteemed in the baptism of infants, in the priests' consecrating the holy eucharist, in public liturgies, in absolution of penitents, the Lord's day, communicating of women, and the like; yet this rite of confirmation being all that, and evidently derived from the practice apostolical, and so often recorded in the New Testament, both in the ritual and mysterious part, both in the ceremony and spiritual effect, is a point of as great certainty as it is of usefulness and holy designation.

Theophilus Antiochenus lived not long after the death of St. John,[a] and he derives the name of christian, which was first given to the disciples in his city, from this chrism or spiritual unction, this confirmation of baptized persons; Ἡμεῖς τούτου εἵνεκεν καλούμεθα Χριστιανοὶ, ὅτι χριόμεθα ἔλαιον Θεοῦ, "We are therefore called christians, because we are anointed with the unction of God." These words will be best understood by the subsequent testimonies, by which it will appear that confirmation (for reasons hereafter mentioned) was for many ages called chrism or unction. But he adds the usefulness of it: "For who is there that enters into the world, or that enters into contention or athletic combats, but is anointed with oil?" By which words he intimates the unction anciently used in baptism, and in confirmation both: for in the first we have our new birth; in the second we are prepared for spiritual combat.

Tertullian[a] having spoken of the rites of baptism, proceeds; "Dehinc" (saith he) "manus imponitur, per benedictionem advocans et invitans Spiritum Sanctum. Tunc ille Sanctissimus Spiritus super emundata et benedicta corpora libens à Patre descendit:"[b] "After baptism the hand is imposed, by blessing, calling, and inviting, the Holy Spirit. Then that most Holy Spirit willingly descends from the Father upon the bodies that are cleansed and blessed;" that is, first baptized, then confirmed. And again;[c] "Caro signatur, ut anima muniatur. Caro manûs impositione adumbratur, ut anima Spiritu illuminetur;" "The flesh is consigned, or sealed," (that also is one of the known primitive words for confirmation,) "that the soul may be guarded or defended: and the body is overshadowed by the imposition of hands, that the soul may be enlightened by the Holy Ghost." Nay, further yet, if any man objects that baptism is sufficient, he answers,[d] "It is true, it is sufficient to them that are to die presently; but it is not enough for them that are still to live and to fight against their spiritual enemies. For in baptism we do not receive the Holy Ghost" (for although the apostles had been baptized, yet the Holy Ghost was come upon none of them until Jesus was glorified); "sed in aquâ emundati, sub angelo Spiritui Sancto præparamur;" "but being cleansed by baptismal water, we are disposed for the Holy Spirit, under the hand of the angel of the church," under the bishop's hand. And a little after he expostulates the article: "Non licebit Deo in suo organo per manus sanctas sublimitatem modulari spiritalem?" "Is it not lawful for God, by an instrument of his own, under holy hands to accord the heights and sublimity of the Spirit?" for indeed this is the Divine order: and therefore Tertullian reckoning the happiness and excellency of the church of Rome at that time, says,[e] "She believes in God, she signs with water, she clothes with the Spirit," (viz. in confirmation,) "she feeds with the eucharist, she exhorts to martyrdom; and against this order or institution she receives no man."

St. Cyprian,[f] in his epistle[g] to Jubaianus, having urged that of the apostles going to Samaria to impose hands on those whom St. Philip had baptized, adds, "quod nunc quoque apud nos geritur, ut qui in ecclesia baptizantur, per præpositos ecclesiæ offerantur, et per nostram orationem ac manûs impositionem Spiritum Sanctum consequantur, et signaculo Dominico consummentur:" "which custom is also descended to us, that they who are baptized might be brought by the rulers of the church, and by our prayer and the imposition of hands, (said the martyr bishop,) may obtain the Holy Ghost, and be consummated with the Lord's signature." And again:[h] "Ungi necesse est eum qui baptizatus est," &c. "Et super eos qui in ecclesia baptizati erant, et ecclesiasticum et legitimum baptismum consecuti fuerant, oratione pro iis habitâ, et manu impositâ, invocaretur et infunderetur, Spiritus Sanctus:" "It is necessary that every one who is baptized, should receive the unction, that he may be Christ's anointed one, and may have in him the grace of Christ. They who have received lawful and ecclesiastical baptism, it is not necessary they should be baptized again; but that which is wanting must be supplied, viz. that prayer being made for them, and hands imposed, the Holy Ghost be invocated and poured upon them."

[a] A. D. 170. [a] A. D. 200. [b] De Baptismo, c. 6.
[c] De Resur. Carn. cap. 8. [d] Ubi suprà de Bapt.
[e] De Præscript. cap. 36. [f] A. D. 250.
[g] Epist. 73. [h] Epist. 70. 73.

St. Clement[i] of Alexandria, a man of venerable antiquity and admirable learning, tells[k] that a certain young man was by St. John delivered to the care of a bishop, who having baptized him, "postea verò sigillo Domini, tanquam[l] perfectâ tutâque ejus custodiâ, eum obsignavit;" "afterward he sealed him with the Lord's signature" (the church-word for confirmation) "as with a safe and perfect guard."

Origen[m] in his seventh homily upon Ezekiel, expounding certain mystical words of the prophet, saith, "Oleum est quo vir sanctus ungitur, oleum Christi, oleum sanctæ doctrinæ. Cùm ergò aliquis accepit hoc oleum quo ungitur sanctus, id est, Scripturam Sanctam instituentem quomodo oporteat baptizari, in nomine Patris, et Filii, et Spiritûs Sancti, et pauca commutans unxerit quempiam, et quodammodo dixerit, Jam non es catechumenus, consecutus es lavacrum secundæ generationis; talis homo accipit oleum Dei," &c. "The unction of Christ, of holy doctrine, is the oil by which the holy man is anointed, having been instructed in the Scriptures, and taught how to be baptized; then changing a few things he says to him, Now you are no longer a catechumen, now you are regenerated in baptism: such a man receives the unction of God," viz. he then is to be confirmed.

St. Dionysius, commonly called the Areopagite, in his excellent book of Ecclesiastical Hierarchy,[n] speaks most fully of the holy rite of confirmation or chrism. Having described at large the office and manner of baptizing the catechumens, the trine immersion, the vesting them in white garments, he adds, "Then they bring them again to the bishop, and he consigns him" (who had been so baptized) δεουργίκωτάτῳ μύρῳ, "with the most divinely-operating unction," and then gives him the most holy eucharist. And afterwards he says,[o] "But even to him who is consecrated in the most holy mystery of regeneration, τοῦ μύρου τελειωτικὴ χρίσις, the perfective unction of chrism, gives to him the advent of the Holy Spirit." And this right of confirmation, then called chrism, from the spiritual unction then effected, and consigned also and signified by the ceremony of anointing externally, which was then the ceremony of the church, he calls it τὴν ἱερὰν τῆς δεογενεσίας τελείωσιν, "the holy consummation of our baptismal regeneration;" meaning, that without this, there is something wanting to the baptized persons.

And this appears fully in that famous censure of Novatus[p] by Cornelius bishop of Rome, reported by[q] Eusebius. Novatus had been baptized in his bed, being very sick and like to die: "but when he recovered, he did not receive those other things, which by the rule of the church he ought to have received; 'neque Domini sigillo ab episcopo consignatus est,' 'he was not consigned with the Lord's signature by the hands of the bishop,' he was not confirmed: 'quo non impetrato, quomodo Spiritum Sanctum obtinuisse putandus est?' 'which having not obtained, how can he be supposed to have received the Holy Spirit?'" The same also is something more fully related by Nicephorus,[r] but wholly to the same purpose.

Melchiades,[s] in his epistle to the bishops of Spain, argues excellently about the necessity and usefulness of the holy rite of confirmation. "What does the mystery of confirmation profit me after the mystery of baptism? Certainly we did not receive all in our baptism, if, after that lavatory, we want something of another kind. Let your charity attend. As the military order requires that when the general enters a soldier into his list, he does not only mark him, but furnishes him with arms for the battle; so in him that is baptized, this blessing is his ammunition. You have given (Christ) a soldier, give him also weapons. And what will it profit him, if a father gives a great estate to his son, if he does not take care to provide a tutor for him? Therefore the Holy Spirit is the guardian of our regeneration in Christ, he is the comforter and he is the defender.

I have already[t] alleged the plain testimonies of Optatus and St. Cyril in the first section. I add to them the words of St. Gregory Nazianzen[u] speaking of confirmation or the christian signature; "Hoc et viventi tibi maximum est tutamentum: ovis enim quæ sigillo insignita est, non facilè patet insidiis; quæ verò signata non est, facilè à furibus capitur:" "This signature is your greatest guard while you live: for a sheep, when it is marked with the master's sign, is not so soon stolen by thieves; but easily, if she be not."—The same manner of speaking is also used by St. Basil, who was himself together with Eubulus confirmed by Bishop Maximinus: "Quomodo curam geret tanquam ad se pertinentis angelus? Quomodo eripiat ex hostibus, si non agnoverit signaculum?" "How shall the angel know what sheep belong unto his charge? How shall he snatch them from the enemy, if he does not see their mark and signature?"—Theodoret[x] also and Theophylact speak the like words: and, so far as I can perceive, these and the like sayings are most made use of by the schoolmen to be their warranty for an indelible character imprinted in confirmation. I do not interest myself in the question, but only recite the doctrine of these fathers in behalf of the practice and usefulness of confirmation.

I shall not need to transcribe hither those clear testimonies, which are cited from the epistles of St. Clement, Urban the First, Fabianus, and Cornelius; the sum of them is in those plainest words of Urban the First: "Omnes fideles per manûs impositionem episcoporum, Spiritum Sanctum post baptismum accipere debent;" "All faithful people ought to receive the Holy Spirit by imposition of the bishop's hands after baptism." Much more to the same purpose is to be read, collected by Gratian "de Consecrat. dist. 4. Presbyt. et de Consecrat. dist. 5. Omnes Fideles, et ibid. Spiritus Sanctus."

St. Jerome[y] brings in a Luciferian asking, "why

[i] A. D. 200.
[k] Apud Euseb. lib. 3. c. 17.
[l] Τὸ τέλειον φυλακτήριον.
[m] A. D. 210.
[n] De Eccles. Hier. c. 2.
[o] Et cap. 4.
[p] A. D. 260.
[q] Lib. 6. Hist. Eccles. c. 43.
[r] Lib. 6. cap. 3.
[s] A. D. 320.
[t] A. D. 370.
[u] Adhort. ad S. Lavacrum.
[x] In cap. 1. ad Ephes.
[y] Dial. adv. Lucifer.

he that is baptized in the church, does not receive the Holy Ghost, but by imposition of the bishop's hands?" The answer is, "Hanc observationem ex Scripturæ auctoritate ad sacerdotii honorem descendere," "This observation for the honour of the priesthood did descend from the authority of the Scriptures;" adding withal, "it was for the prevention of schisms, and that the safety of the church did depend upon it. 'Exigis ubi scriptum est?' 'If you ask where it is written,' it is answered, 'In Actis Apostolorum,' 'It is written in the Acts of the Apostles.' But if there were no authority of Scripture for it, 'totius orbis in hanc partem consensus instar præcepti obtineret,' 'the consent of the whole christian world in this article ought to prevail as a commandment.'" But here is a two-fold cord, Scripture and universal tradition; or rather Scripture expounded by a universal traditive interpretation. The same observation is made from Scripture by St. Chrysostom:[a] the words are very like those now recited from St. Jerome's Dialogue, and therefore need not to be repeated.

St. Ambrose[b] calls confirmation "spirituale signaculum quod post fontem superest, ut perfectio fiat," "a spiritual seal remaining after baptism, that perfection be had."—Œcumenius calls it τελειότητα, "perfection."—"Lavacro peccata purgantur, chrismate Spiritus Sanctus superfunditur; utraque verò ista manu et ore antistitis impetramus," said Pacianus[b] bishop of Barcinona: "In baptism our sins are cleansed, in confirmation the Holy Spirit is poured upon us; and both these we obtain by the hands and mouth of the bishop." And again: "Vestræ plebi unde Spiritus, quam non consignat unctus sacerdos?"[c] The same with that of Cornelius in the case of Novatus before cited.

I shall add no more, lest I overset the article, and make it suspicious by too laborious a defence: only after these numerous testimonies of the fathers, I think it may be useful to represent, that this holy rite of confirmation hath been decreed by many councils.

The council[d] of Eliberis, celebrated in the time of Pope Sylvester the First, decreed, that whosoever is baptized in his sickness, if he recover, "ad episcopum eum perducat, ut per manûs impositionem perfici possit;" "let him be brought to the bishop, that he may be perfected by the imposition of hands." To the same purpose is the seventy-seventh canon: "Episcopus eos per benedictionem perficere debebit," "The bishop must perfect those, whom the minister baptized by his benediction."

The council of Laodicea[e] decreed ὅτι δεῖ τοὺς φωτιζομένους κατὰ τὸ βάπτισμα χρίεσθαι χρίσματι ἐπουρανίῳ, καὶ μετόχους εἶναι τῆς βασιλείας τοῦ Χριστοῦ· "all that are baptized, must be anointed with the celestial unction, and (so) be partakers of the kingdom of Christ." All that are so, that is, are confirmed; for this celestial unction is done by holy prayers and the invocation of the Holy Spirit: so Zonaras upon this canon: all such who have this unction shall reign with Christ, unless by their wickedness they preclude their own possessions. This canon was put into the code of the catholic church, and makes the one hundred and fifty-second canon.

The council of Orleans affirms expressly, that he who is baptized cannot be a christian, (meaning according to the usual style of the church, a full and perfect christian,) "nisi confirmatione episcopali fuerit chrismatus," "unless he have the unction of episcopal confirmation."[f]

But when the church had long disputed concerning the rebaptizing of heretics, and made canons for and against it, according as the heretics were, and all agreed that if the first baptism had been once good, it could never be repeated; yet they thought it fit that such persons should be confirmed by the bishop, all supposing confirmation to be the perfection and consummation of the less perfect baptism. Thus the first council of Arles[g] decreed concerning the Arians, that if they had been baptized in the name of the Father, Son, and Holy Ghost, they should not be rebaptized. "Manus tantùm eis imponatur, ut accipiant Spiritum Sanctum;" that is, "Let them be confirmed, let there be imposition of hands, that they may receive the Holy Ghost." The same is decreed by the second council of Arles[h] in the case of the Bonasiaci. But I also find it in a greater record, in the general council[i] of Constantinople; where heretics are commanded upon their conversion to be received, "secundùm constitutum officium;" there was "an office appointed" for it; and it is in the Greek Euchologion, "sigillatos, primò scilicet unctos unguento chrismatis," &c. "et signantes eos dicimus, sigillum doni Spiritûs Sancti." It is the form of confirmation used to this day in the Greek church.

So many fathers testifying the practice of the church, and teaching this doctrine, and so many more fathers as were assembled in six councils, all giving witness to this holy rite, and that in pursuance also of Scripture, are too great a cloud of witnesses to be despised by any man that calls himself a christian.

SECTION IV.

The Bishops were always and the only Ministers of Confirmation.

SAINT CHRYSOSTOM[k] asking the reason why the Samaritans, who were baptized by Philip, could not from him and by his ministry receive the Holy Ghost, answers, "Perhaps this was done for the honour of the apostles," to distinguish the supereminent dignity which they bore in the church from all inferior ministrations: but this answer not satisfying, he adds, "Hoc donum non habebat, erat enim ex sep-

[a] Homil. 18. in Act.
[b] In Heb. vi.
[c] Lib. 3. de Sacram. c. 2.
[d] Can. 38.
[e] Lib. 3. contr. Novat.
[f] Can. eod.
[g] Habetur apud Gratian. de Consecrat. dist. 5. cap. Jejun.
[h] Cap. 8.
[i] Can. 17.
[k] Can. 7.
[k] Homil. 18. in Acta.

tem illis, id quod magis videtur dicendum. Unde, meâ sententiâ, hic Philippus unus ex septem erat, secundus à Stephano; ideo et baptizans Spiritum Sanctum non dabat, neque enim facultatem habebat, hoc enim donum solorum apostolorum erat:" "This gift they had not, who baptized the Samaritans, which thing is rather to be said than the other: for Philip was one of the seven, and in my opinion next to St. Stephen; therefore though he baptized, yet he gave not the Holy Ghost; for he had no power so to do, for this gift was proper only to the apostles." "Nam virtutem quidem acceperant (diaconi) faciendi signa, non autem dandi aliis Spiritum Sanctum; igitur hoc erat in apostolis singulare, unde et præcipuos, et non alios, videmus hoc facere." "The ministers that baptized had a power of doing signs and working miracles, but not of giving the Holy Spirit; therefore this gift was peculiar to the apostles, whence it comes to pass that we see the[m] chiefs in the church, and no other, to do this."

St. Dionysius says,[n] Χρεία τοῦ ἀρχιερέως ἔσται, "There is need of a bishop to confirm the baptized," αὐτὴ γὰρ ἦν ἡ ἀρχαία συνήθεια, "for this was the ancient custom of the church:" and "this was wont to be done by the bishops, for conservation of unity in the church of Christ," said St. Ambrose;[o] "a solis episcopis," "by bishops only," said St. Austin;—for "the bishops succeeded in the place and ordinary office of the apostles," said St. Jerome. And therefore in his dialogue against the Luciferians it is said, "that this observation for the honour of the priesthood did descend, that the bishops only might by imposition of hands confer the Holy Ghost; that it comes from Scripture, that it is written in the Acts of the Apostles, that it is done for the prevention of schisms; that the safety of the church depends upon it."

But the words of Pope Innocentius I. in his first epistle and third chapter, and published in the first tome of the councils, are very full to this particular. "De consignandis infantibus, manifestum est non ab alio quàm ab episcopo fiere licere: nam presbyteri, licèt sint sacerdotes, pontificatûs tamen apicem non habent: hæc autem pontificibus solis deberi, ut vel consignent, vel Paracletum Spiritum tradant, non solùm consuetudo ecclesiastica demonstrat, verùm et illa lectio Actuum Apostolorum, quæ asserit Petrum et Johannem esse directos, qui jam baptizatis traderent Spiritum Sanctum:" "Concerning confirmation of infants, it is manifest, it is not lawful to be done by any other than by the bishop; for although the presbyters be priests, yet they have not the summity of episcopacy: but that these things are only due to bishops, is not only demonstrated by the custom of the church, but by that of the Acts of the Apostles, where Peter and John were sent to minister the Holy Ghost to them that were baptized."—Optatus[p] proves Macarius to be no bishop, because he was not conversant in the episcopal office, and imposed hands on none that were baptized. "Hoc unum à majoribus fit, id est, à summis pontificibus, quod à minoribus perfici non potest," said P. Melchiades:[q] "This (of confirmation) is only done by the greater ministers, that is, by the bishops, and cannot be done by the lesser."—This was the constant practice and doctrine of the primitive church, and derived from the practice and tradition of the apostles,[r] and recorded in their Acts written by St. Luke. For this is our great rule in this case, what they did in rituals and consigned to posterity is our example and our warranty: we see it done thus, and by these men, and by no others, and no otherwise, and we have no other authority, and we have no reason to go another way. The ἄνδρες ἡγούμενοι in St. Luke, the κορυφαῖοι in St. Chrysostom, the πρόεδρος in Philo, and the πρεσβύτατος, "the chief governor," in ecclesiasticals, his office is τὰ μὴ γνώριμα ἐν τοῖς βίβλοις ἀναδιδάσκειν, "to teach such things as are not set down in books;" their practice is a sermon, their example in these things must be our rule, or else we must walk irregularly, and have no rule but chance and humour, empire and usurpation; and therefore much rather, when it is recorded in holy writ, must this observation be esteemed sacred and inviolable.

But how if a bishop be not to be had or not ready? St. Ambrose[s] is pretended to have answered, "Apud Ægyptum presbyteri consignant, si præsens non sit episcopus," "A presbyter may consign, if the bishop be not present;" and Amalarius[t] affirms, "Sylvestrum Papam, prævidentem quantum periculosum iter arriperet qui sine confirmatione maneret, quantum potuit subvenisse, et propter absentiam episcoporum, necessitate addidisse, ut à presbytero ungerentur," "that Pope Sylvester, foreseeing how dangerous a journey he takes who abides without confirmation, brought remedy as far as he could, and commanded that in the absence of bishops they should be anointed by the priest:" and therefore it is by some supposed that "factum valet, fieri non debuit," "the thing ought not to be done but in the proper and appointed way;" but when it is done, it is valid; just as in the case of baptism by a layman or woman. Nay, though some canons say it is "actio irrita," "the act is null," yet for this there is a salvo pretended; for sometimes an action is said to be "irrita" in law, which yet nevertheless is of secret and permanent value, and ought not to be done again. Thus if a priest be promoted by simony, it is said "sacerdos non est, sed inanitur tantùm dicitur," "he is but vainly called a priest, for he is no priest."[u] So Sixtus II. said, "that if a bishop ordain in another's diocess, the ordination is void;" and in the law it is said, "that if a bishop be consecrated without his clergy and the congregation, the consecration is null:" and yet these later

[m] Τοὺς κορυφαίους.
[n] Cap. 5. Eccles. Hier.
[o] In Heb. vi. q. 44. in N. T.
[p] Contra Parmen. lib. 7.
[q] Epist. ad Episc. Hispan.
[r] Voluit Deus dona illa admiranda non contingere baptizatis nisi per manus apostolorum, ut auctoritatem testibus suis conciliaret quàm maximam; quod ipsum simul ad retinendam ecclesiæ unitatem pertinebat: Grotius.—Videtur ergò fuisse peculiare apostolorum munus dare Spiritum Sanctum: Isidor. —Clarius in 8. Actuum Apostolorum.
[s] In Eph. iv.
[t] De Offic. Eccles. cap. 27
[u] 1. Qu. 1. cap. Qui vult. 1. et 2 Epist. 2. de Episc. Ordinante. 1. qu. 2. c. In multis. Clement. de Elect. cap. In plerisque.

and fiercer constitutions do not determine concerning the natural event of things, but of the legal and canonical approbation.

To these things I answer, that St. Ambrose's saying that "in Egypt, the presbyters consign in the bishops' absence," does not prove that they ever did confirm or impose hands on the baptized for the ministry of the Holy Spirit; because that very passage being related by St. Austin,[x] the more general word of "consign" is rendered by the plainer and more particular "consecrant," "they consecrate," meaning the blessed eucharist; which was not permitted primitively to a simple priest to do in the bishop's absence without leave; only in Egypt it seems they had a general leave, and the bishop's absence was an interpretative consent. But besides this, "consignant" is best interpreted by the practice of the church, of which I shall presently give an account; they might, in the absence of the bishop, consign with oil upon the top of the head, but not in the forehead; much less impose hands, or confirm, or minister the Holy Spirit: for the case was this.

It was very early in the church, that, to represent the grace which was ministered in confirmation, the unction from above, they used oil and balsam; and so constantly used this in their confirmations, that from the ceremony it had the appellation; "sacramentum chrismatis," St. Austin[y] calls it;—ἐν μύρῳ τελείωσις, so Dionysius. Now because at the baptism of the adult christians, and (by imitation of that) of infants, confirmation and baptism were usually ministered at the same time; the unction was not only used to persons newly baptized, but another unction was added as a ceremony in baptism itself, and was used immediately before baptism; and the oil was put on the top of the head, and three times was the party signed. So it was then, as we find in the Ecclesiastical Hierarchy. But besides this unction with oil in baptismal preparations, and pouring oil into the baptismal water, we find another unction after the baptism was finished. For they bring the baptized person "again to the bishop, (saith St. Dionysius,)[z] who, signing the man with hallowed chrism, gives him the holy eucharist." This they called χρίσιν τελειωτικὴν, "the perfective or consummating unction;" this was that which was used when the bishop confirmed the baptized person: "for to him who is initiated by the most holy initiation of the Divine generation, (that is, to him who hath been baptized, said Pachimeres, the paraphrast of Dionysius,) the perfective unction of chrism gives the gift of the Holy Ghost."—This is that which the Laodicean[a] council calls χρίεσθαι μετὰ τὸ βάπτισμα, "to be anointed after baptism." Both these unctions were intimated by Theophilus Antiochenus: Τίς δὲ ἄνθρωπος εἰσελθὼν εἰς τόνδε τον βίον, ἢ ἀθλῶν, οὐ χρίεται ἐλαίῳ; "Every man that is born into the world, and every man that is a champion, is anointed with oil:" that to baptism, this alluding to confirmation.

Now this chrism was frequently ministered immediately after baptism, in the cities where the bishop was present: but in villages and little towns where the bishop was not present, it could not be; but bishops were forced at their opportunities to go abroad and perfect what was wanting, as it was in the example of Peter and John to the Samaritans. "Non quidem abnuo hanc esse ecclesiarum consuetudinem, ut ad eos qui longè in minoribus urbibus per presbyteros et diaconos baptizati sunt, episcopus ad invocationem Sancti Spiritûs manum impositurus excurrat:" "It is the custom of the church, that when persons are in lesser cities baptized by priests and deacons, the bishop uses to travel far, that he may lay hands on them for the invocation of the Holy Spirit."[b] But because this could not always be done, and because many baptized persons died before such an opportunity could be had; the church took up a custom, that the bishop should consecrate the chrism, and send it to the villages and little cities distant from the metropolis, and that the priests should anoint the baptized with it. But still they kept this part of it sacred and peculiar to the bishop: 1. That no chrism should be used but what the bishop consecrated; 2. That the priests should anoint the head of the baptized, but at no hand the forehead, for that was still reserved for the bishop to do when he confirmed them. And this is evident in the epistle of Pope Innocentius the First, above quoted. "Nam presbyteris, seu extra episcopum seu præsente episcopo baptizant, chrismate baptizatos ungere licet, sed quod ab episcopo fuerit consecratum; non tamen frontem ex eodem oleo signare, quod solis debetur episcopis, cùm tradunt Spiritum Paracletum." Now this the bishops did, not only to satisfy the desire of the baptized, but by this ceremony to excite the "votum confirmationis," that they who could not actually be confirmed, might at least have it "in voto" "in desire," and in ecclesiastical representation. This, as some think, was first introduced by Pope Sylvester: and this is the consignation which the priests of Egypt used in the absence of the bishop; and this became afterwards the practice in other churches.

But this was no part of the holy rite of confirmation, but a ceremony annexed to it ordinarily; from thence transmitted to baptism, first by imitation, afterwards by way of supply and in defect of the opportunities of confirmation episcopal. And therefore we find in the first Arausican council,[c] in the time of Leo the First and Theodosius junior, it was decreed, "that in baptism every one should receive chrism: 'de eo autèm qui in baptismate, quâcunque necessitate faciente, chrismatus non fuerit, in confirmatione sacerdos commonebitur:' 'if the baptized by any intervening accident or necessity was not anointed, the bishop should be advertised of it in confirmation;'" meaning, that then it must be done. For the chrism was but a ceremony annexed, no part of either rite essential to it; but yet they thought it necessary, by reason of some opinions then prevailing in the church. But here the rites themselves are clearly distinguished; and this of

[x] Qu. V. et N. T. qu. 101.
[y] Lib. 2. contr. Liter. Petiliani. c. 104.
[z] Eccles. Hier. cap. 2.
[a] Can. 48.
[b] S. Hieron. adv. Lucifer. ante Med.
[c] Cap. 1.

confirmation was never permitted to mere presbyters. Innocentius the Third, a great canonist and of great authority, gives a full evidence in this particular: "Per frontis chrismationem manûs impositio designatur, quia per eam Spiritus Sanctus per augmentum datur et robor. Unde cùm cæteras unctiones simplex sacerdos vel presbyter valeat exhibere, hanc non nisi summus sacerdos vel presbyter valeat exhibere, id est, episcopus conferre:" "By anointing of the forehead the imposition of hands is designed, because by that the Holy Ghost is given for increase and strength; therefore when a single priest may give the other unctions, yet this cannot be done but by the chief priest, that is, the bishop."—And therefore to the question, What shall be done if a bishop may not be had? the same Innocentius answers, "It is safer and without danger wholly to omit it, than to have it rashly and without authority ministered by any other; 'cùm umbra quædam ostendatur in opere, veritas autem non subeat in effectu;' 'for it is a mere shadow without truth or real effect,' when any one else does it but the person whom God hath appointed to this ministration." And no approved man of the church did ever say the contrary, till Richard, primate of Armagh, commenced a new opinion, from whence, Thomas of Walden says, that Wickliffe borrowed his doctrine to trouble the church in this particular.

What the doctrine of the ancient church was in the purest times, I have already, I hope, sufficiently declared; what it was afterwards, when the ceremony of chrism was as much remarked as the rite to which it ministered, we find fully declared by Rabanus Maurus:[d] "Signatur baptizatus cum chrismate per sacerdotem in capitis summitate, per Pontificem verò in fronte; ut priori unctione significetur Spiritûs Sancti super ipsum descensio ad habitationem Deo consecrandum; in secundâ quoque, ut ejus Spiritûs Sancti septiformis gratia, cum omni plenitudine sanctitatis et scientiæ et virtutis, venire in hominem declaretur: tunc enim ipse Spiritus Sanctus post mundata et benedicta corpora atque animas liberè à Patre descendit, ut unà cum suâ visitatione sanctificaret et illustraret; et nunc in hominem ad hoc venit, ut signaculum fidei, quod in fronte suscepit, faciat cum donis cœlestibus repletum, et suâ gratiâ confortatum, intrepidè et audacter coram regibus et potestatibus hujus seculi portare, ac nomen Christi liberâ voce prædicare:" "In baptism the baptized was anointed on the top of the head, in confirmation on the forehead: by that was signified that the Holy Ghost was preparing a habitation for himself; by this was declared the descent of the Holy Spirit, with his seven-fold gifts, with all fulness of knowledge and spiritual understanding." These things were signified by the appendant ceremony; but the rights were ever distinguished, and did not only signify and declare, but effect, these graces by the ministry of prayer and imposition of hands.

The ceremony of the church instituted and used as she pleased, and gave in what circumstances they would choose; and new propositions entered, and customs changed, and deputations were made; and the bishops, in whom by Christ was placed the fulness of ecclesiastical power, concredited to the bishops and deacons so much as their occasions and necessities permitted: and because in those ages and places where the external ceremony was regarded, it may be, more than the inward mystery or the rite of Divine appointment, they were apt to believe that the chrism or exterior unction, delegated to the priest's ministry after the episcopal consecration of it, might supply the want of episcopal confirmation; it came to pass that new opinions were entertained, and the regulars, the friars and the Jesuits, who were always too little friends to the episcopal power, from which they would fain have been wholly exempted, publicly taught (in England especially) that chrism ministered by them with leave from the pope did do all that which ordinarily was to be done in episcopal confirmation. For, as Tertullian complained in his time, "Quibus fuit propositum aliter docendi, eos necessitas coegit aliter disponendi instrumenta doctrinæ;" "They who had purposes of teaching new doctrines, were constrained otherwise to dispose of the instruments and rituals appertaining to their doctrines." These men, to serve ends, destroyed the article, and overthrew the ancient discipline and unity of the primitive church. But they were justly censured by the theological faculty at Paris, and the censure well defended by Hallier, one of the doctors of the Sorbonne; whither I refer the reader that is curious in little things.

But for the main: it was ever called "confirmatio episcopalis, et impositio manuum episcoporum;" which our English word well expresses, and perfectly retains the use; we know it by the common name of "bishopping of children." I shall no further insist upon it, only I shall observe that there is a vain distinction brought into the schools and glosses of the canon law, of a minister ordinary, and extraordinary; all allowing that the bishop is appointed the ordinary minister of confirmation, but they would fain innovate, and pretend, that in some cases others may be ministers extraordinary. This device is of infinite danger to the destruction of the whole sacred order of the ministry, and disparks the enclosures, and lays all in common, and makes men supreme controllers of the orders of God, and relies upon a false principle; for in true divinity, and by the economy of the Spirit of God, there can be no minister of any Divine ordinance but he that is of Divine appointment, there can be none but the ordinary minister. I do not say that God is tied to this way; he cannot be tied but by himself: and therefore Christ gave a special commission to Ananias to baptize and to confirm St. Paul, and he gave the Spirit to Cornelius even before he was baptized, and he ordained St. Paul to be an apostle without the ministry of man. But this I say, that though God can make ministers extraordinary, yet man cannot; and they that go about to do so, usurp the power of Christ, and snatch from his hand what he never intended to part with. The apostles admitted others into a part of their care and of their power; but when

[d] De Instit. Cleric. lib. 1. c. 30.

they intended to employ them in any ministry, they gave them so much of their order as would enable them; but a person of lower order could never be deputed minister of actions appropriate to the higher: which is the case of confirmation, by the practice and tradition of the apostles, and by the universal practice and doctrine of the primitive catholic church, by which bishops only, the successors of the apostles, were alone the ministers of confirmation: and therefore if any man else usurp it, let them answer it; they do hurt indeed to themselves, but no benefit to others, to whom they minister shadows instead of substances.

SECTION V.

The whole Procedure or Ritual of Confirmation is by Prayer and Imposition of Hands.

THE heart and the eye are lift up to God to bring blessings from him, and so is the hand too; but this also falls upon the people, and rests there, to apply the descending blessing to the proper and prepared suscipient. God governed the people of Israel by the hand of Moses and Aaron:

——— et calidæ fecêre silentia turbæ
Majestate manûs:

and both under Moses and under Christ, whenever the president of religion did bless the people, he lifted up his hand over the congregation; and when he blessed a single person he laid his hand upon him. This was the rite used by Jacob and the patriarchs, by kings and prophets, by all the eminently religious in the synagogue, and by Christ himself when he blessed the children which were brought to him, and by the apostles when they blessed and confirmed the baptized converts; and whom else can the church follow? The apostles did so to the christians of Samaria, to them of Ephesus; and St. Paul describes this whole mystery by the ritual part of it, calling it "the foundation of the imposition of hands."[e] It is the solemnity of blessing, and the solemnity and application of paternal prayer. Τίνι γὰρ ἐπιτίθησι χεῖρα; τίνα δὲ εὐλογήσει; said Clement[f] of Alexandria; "Upon whom shall he lay his hands? whom shall he bless?"—"Quid enim aliud est impositio manuum, nisi oratio super hominem?" said St. Austin; "The bishop's laying his hands on the people, what is it but the solemnity of prayer for them?" that is, a prayer made by those sacred persons who by Christ are appointed to pray for them, and to bless in his name: and so indeed are all the ministries of the church, baptism, consecration of the blessed eucharist, absolution, ordination, visitation of the sick; they are all "in genere orationis," they are nothing but solemn and appointed "prayer" by an intrusted and a gracious person, specificated by a proper order to the end of the blessing then designed. And therefore, when St. James commanded that the sick persons should "send for the elders of the church," he adds, "and let them pray over them:" that is, lay their hands on the sick, and pray for them; that is praying over them: it is "adumbratio dextræ," (as Tertullian calls it,) "the right hand of him that ministers, overshadows" the person, for whom the solemn prayer is to be made.

This is the office of the rulers of the church; for they in the Divine eutaxy are made your superiors: they are indeed "your servants for Jesus's sake," but they "are over you in the Lord," and therefore are from the Lord appointed to bless the people; for "without contradiction," saith the apostle, "the less is blessed of the greater;"[g] that is, God hath appointed the superiors in religion to be the great ministers of prayer, he hath made them the gracious persons, them he will hear, those he hath commanded to convey your needs to God, and God's blessings to you, and to ask a blessing is to desire them to pray for you; them, I say, "whom God most respecteth for their piety and zeal that way, or else regardeth for that their place and calling bind them above others to do this duty, such as are natural and spiritual fathers."[h]

It is easy for profane persons to deride these things, as they do all religion which is not conveyed to them by sense or natural demonstrations: but the economy of the Spirit and "the things of God are spiritually discerned."—"The Spirit bloweth where it listeth, and no man knows whence it comes, and whither it goes;" and the operations are discerned by faith, and received by love and by obedidence. "Date mihi christianum, et intelligit quod dico;" "None but true christians understand and feel these things." But of this we are sure, that in all the times of Moses's law, while the synagogue was standing, and in all the days of christianity, so long as men loved religion, and walked in the Spirit, and minded the affairs of their souls, to have the prayers and the blessing of the fathers of the synagogue and the fathers of the church, was esteemed no small part of their religion, and so they went to heaven. But that which I intend to say is this, that prayer and imposition of hands were the whole procedure in the christian rites: and because this ministry was most signally performed by this ceremony, and was also by St. Paul called and noted by the name of the ceremony, "imposition of hands;" this name was retained in the christian church, and this manner of ministering confirmation was all that was in the commandment or institution.

But because, in confirmation, we receive the unction from above, that is, then we are most signally "made kings and priests unto God, to offer up spiritual sacrifices," and to enable us to "seek the kingdom of God and the righteousness of it," and that the giving of the Holy Spirit is in Scripture called "the unction from above;" the church of God in early ages made use of this allegory, and passed it into an external ceremony and representation of the mystery, to signify the inward grace.

[e] Heb. vi. 2. [f] Pædag. lib. 3. c. 11. [g] Heb. vii. 7. [h] Hooker, Eccl. Pol. lib. 5. sect. 66.

Post inscripta oleo frontis signacula, per quæ
Unguentum regale datum est, et chrisma perenne.[l]

"We are consigned on the forehead with oil, and a royal unction and an eternal chrism are given to us:" so Prudentius[k] gives testimony of the ministry of confirmation in his time. Τοῦτο φυλάξατε ἄσπιλον· πάντων γάρ ἐστι τοῦτο διδακτικὸν, καθὼς ἀρτίως ἠκούσατε τοῦ μακαρίου Ἰωάννου λέγοντος καὶ πολλὰ περὶ τοῦτου χρίσματος φιλοσοφοῦντος, said St. Cyril: "Preserve this unction pure and spotless: for it teaches you all things, as you have heard the blessed St. John speaking and philosophizing many things of this holy chrism."[1] Upon this account the holy fathers used to bless and consecrate oil and balsam, that, by an external signature, they might signify the inward unction effected in confirmation. Μύρον τοῦτο οὐκ ἔστι ψιλὸν, οὐδ' ὡς ἄν τις εἴποι κοινὸν κατ' ἐπίκλησιν, ἀλλὰ Χριστοῦ χάρισμα, καὶ Πνεύματος ἁγίου παρουσία, τῆς αὐτῆς θεότητος ἐνεργητικὸν γινόμενον, "This chrism is not simple or common when it is blessed, but the gift of Christ, and the presence of his Holy Spirit, as it were effecting the Divinity itself;" the body is indeed anointed with visible ointment, but is also sanctified by the holy and quickening Spirit: so St. Cyril. I find in him and in some late synods[m] other pretty significations and allusions made by this ceremony of chrisms. "Nos autem pro igne visibili, qui die Pentecostes super apostolos apparuit, oleum sanctum, materiam nempe ignis ex apostolorum traditione, ad confirmandum adhibemus:" "This using of oil was instead of the baptism with fire, which Christ baptized his apostles with in Pentecost; and oil, being the most proper matter of fire, is therefore used in confirmation."

That this was the ancient ceremony is without doubt, and that the church had power to do so hath no question, and I add, it was not unreasonable; for if ever the Scripture expresses the mysteriousness of a grace conferred by an exterior ministry, (as this is, by imposition of hands,) and represents it besides in the expression and analogy of any sensible thing, that expression drawn into a ceremony will not improperly signify the grace, since the Holy Ghost did choose that for his own expression and representment. In baptism we are said to be "buried with Christ." The church does according to the analogy of that expression, when she immerges the catechumen in the font; for then she represents the same thing which the Holy Ghost would have to be represented in that sacrament: the church did but the same thing when she used chrism in this ministration. This I speak in justification of that ancient practice: but because there was no command for it, λόγος γεγραμμένος οὐκ ἔστι, said St. Basil;[n] "concerning chrism there is no written word," that is, of the ceremony there is not; he said it not of the whole rite of confirmation; therefore though to this we are all bound,—yet as to the anointing, the church is at liberty, and hath with sufficient authority omitted it in our ministrations.

In the liturgy of King Edward the Sixth, the bishops used the sign of the cross upon the foreheads of them that were to be confirmed. I do not find it since forbidden, or revoked by any expression or intimation, saving only that it is omitted in our later offices: and therefore it may seem to be permitted to the discretion of the bishops, but yet not to be used unless where it may be for edification, and where it may be by the consent of the church, at least by interpretation; concerning which I have nothing else to interpose, but that neither this, nor any thing else which is not of the nature and institution of the rite, ought to be done by private authority, nor ever at all but according to the apostle's rule, εὐσχημόνως καὶ κατὰ τάξιν, "whatsoever is decent, and whatsoever is according to order," that is to be done, and nothing else; for prayer and imposition of hands for the invocating and giving the Holy Spirit, are all that are in the foundation and institution.

SECTION VI.

Many great Graces and Blessings are consequent to the worthy Reception and due Ministry of Confirmation.

IT is of itself enough, when it is fully understood, what is said in the Acts of the Apostles at the first ministration of this rite; "they received the Holy Ghost;" that is, according to the expression of our blessed Saviour himself to the apostles, when he commanded them in Jerusalem to expect the verification of his glorious promise, "they were endued with virtue from on high;" that is, with strength to perform their duty: which although it is not to be understood exclusively to the other rites and ministries of the church of Divine appointment, yet it is properly and most signally true, and as it were in some sense appropriate to this. For, as Aquinas[o] well discourses, the grace of Christ is not tied to the sacraments; but even this spiritual strength and virtue from on high can be had without confirmation: as without baptism remission of sins may be had; and yet we believe one baptism for the remission of sins; and one confirmation for the obtaining this virtue from on high, this strength of the Spirit. But it is so appropriate to it by promise and peculiarity of ministration, that as, without the desire of baptism, our sins are not pardoned, so without at least the desire of confirmation, we cannot receive this virtue from on high, which is appointed to descend in the ministry of the Spirit. It is true, the ministry of the holy eucharist is greatly effective to this

[l] Prudent. in ψυχομαχίᾳ. [k] A. D. 400.
[1] Catech. Mystag. 3.
[m] Synodus Bitaricensis, apud Bochel. lib. 1. decret. Eccl. Gal. tit. 5.
[n] Lib. de Spir. S. cap. 17.
[o] Part. 3. qu. 72. art. 6. ad prim.

purpose; and therefore in the ages of martyrs the bishops were careful to give the people the holy communion frequently. "Ut quos tutos esse contra adversarium volebant, munimento Dominicæ saturitatis armarent," as St. Cyprian[p] with his colleagues wrote to Cornelius; "that those whom they would have to be safe against the contentions of their adversaries, they should arm them with the guards and defences of the Lord's fulness." But it is to be remembered that the Lord's supper is for the more perfect christians, and it is for the increase of the graces received formerly, and therefore it is for remission of sins, and yet is no prejudice to the necessity of baptism, whose proper work is remission of sins; and therefore neither does it make confirmation unnecessary: for it renews the work of both the precedent rites, and repairs the breaches, and adds new energy, and proceeds in the same dispensations, and is renewed often, whereas the others are but once.

Excellent therefore are the words of John Gerson,[q] the famous chancellor of Paris, to this purpose: "It may be said that in one way of speaking confirmation is necessary, and in another it is not. Confirmation is not necessary, as baptism and repentance, for without these salvation cannot be had. This necessity is absolute; but there is a conditional necessity. Thus if a man would not become weak, it is necessary that he eat his meat well. And so confirmation is necessary, that the spiritual life and the health, gotten in baptism, may be preserved in strength against our spiritual enemies. For this is given for strength. Hence is that saying of Hugo de St. Victore; "What does it profit that thou art raised up by baptism, if thou art not able to stand by confirmation?" Not that baptism is not of value unto salvation without confirmation; but because he who is not confirmed, will easily fall, and too readily perish." The Spirit of God comes which way he pleases, but we are tied to use his own economy, and expect the blessings appointed by his own ministries: and because to prayer is promised we shall receive whatever we ask, we may as well omit the receiving the holy eucharist, pretending that prayer alone will procure the blessings expected in the other,—as well, I say, as omit confirmation, because we hope to be strengthened and receive virtue from on high by the use of the supper of the Lord. Let us use all the ministries of grace in their season; for "we know not which shall prosper, this or that, or whether they shall be both alike good:" this only we know, that the ministries which God appoints, are the proper seasons and opportunities of grace.

This power from on high, which is the proper blessing of confirmation, was expressed, not only in speaking with tongues and doing miracles,—for much of this they had before they received the Holy Ghost,—but it was effected in spiritual and internal strengths; they were not only enabled for the service of the church, but were endued with courage, and wisdom, and christian fortitude, and boldness, to confess the faith of Christ crucified, and unity of heart and mind, singleness of heart, and joy in God; when it was for the edification of the church, miracles were done in confirmations; and St. Bernard, in the life of Malachias, tells that St. Malchus, bishop of Lismore in Ireland, confirmed a lunatic child, and at the same time cured him: but such things as these are extra-regular and contingent. This which we speak of, is a regular ministry, and must have a regular effect.

St. Austin said that the Holy Spirit in confirmation was given "ad dilatanda ecclesiæ primordia," "for the propagating christianity in the beginnings of the church."—St. Jerome says, it was "propter honorem sacerdotii," "for the honour of the priesthood."—St. Ambrose says, it was "ad confirmationem unitatis in ecclesiâ Christi;" "for the confirmation of unity in the church of Christ."—And they all say true: but the first was by the miraculous consignations, which did accompany this ministry; and the other two were by reason that the mysteries were τὰ προτελεσθέντα ὑπὸ τοῦ ἐπισκόπου, they were appropriated to the ministry of the bishop, who is "caput unitatis," "the head," the last resort, the firmament "of unity" in the church. These effects were regular indeed, but they were incident and accidental: there are effects yet more proper, and of greater excellency.

Now if we will understand in general what excellent fruits are consequent to this dispensation, we may best receive the notice of them from the fountain itself, our blessed Saviour. "He that believes, out of his belly (as the Scripture saith)[r] shall flow rivers of living waters. But this he spake of the Spirit, which they that believe on him should receive."—This is evidently spoken of the Spirit, which came down in Pentecost, which was promised to all that should believe in Christ, and which the apostles ministered by imposition of hands, the Holy Ghost himself being the expositor; and it can signify no less, but that a spring of life should be put into the heart of the confirmed, to water the plants of God; that they should become "trees," not only "planted by the water-side" (for so it was in David's time, and in all the ministry of the Old Testament); but having "a river of living water" within them, to make them "fruitful of good works," and "bringing their fruit in due season, fruits worthy of amendment of life."

1. But the principal thing is this: confirmation is the consummation and perfection, the corroboration and strength, of baptism and baptismal grace; for in baptism we undertake to do our duty, but in confirmation we receive strength to do it; in baptism others promise for us, in confirmation we undertake for ourselves, we ease our godfathers and godmothers of their burden, and take it upon our shoulders, together with the advantage of the prayers of the bishop and all the church made then in our behalf; in baptism we give up our names to Christ, but in confirmation we put our seal to the profession, and God puts his seal to the promise. It is very remarkable what St. Paul says of the beginnings of our being christians, ὁ τῆς ἀρχῆς τοῦ

[p] Epist. 54. [q] In Opusc. Aur. de Confirmat. [r] John vii. 38.

Χριστοῦ λόγος, "the word of the beginning of Christ:"[s] Christ begins with us, he gives us his word and admits us, and we by others' hands are brought in, τύπος διδαχῆς εἰς ὃν παρεδόθητε, it is the "form of doctrine, unto which ye were delivered." Cajetan observes right, that this is a new and emphatical way of speaking: we are wholly immerged in our fundamentals; other things are delivered to us, but we are delivered up unto these. This is done in baptism and catechism; and what was the event of it? "Being then made free from sin, ye became the servants of righteousness."[t] Your baptism was for the remission of sins there, and then ye were made free from that bondage: and what then? why then in the next place, when ye came to consummate this procedure, when the baptized was confirmed, then he became a servant of righteousness, that is, then the Holy Ghost descended upon you, and enabled you to walk in the Spirit; then the seed of God was first thrown into your hearts by a celestial influence. "Spiritus Sanctus in baptisterio plenitudinem tribuit ad innocentiam, sed in confirmatione augmentum præstat ad gratiam," said Eusebius Emissenus:[u] "In baptism we are made innocent, in confirmation we receive the increase of the Spirit of grace;" in that we are regenerated unto life, in this we are strengthened unto battle. "Dono sapientiæ illuminamur, ædificamur, erudimur, instruimur, confirmamur, ut illam Sancti Spiritûs vocem audire possimus, intellectum tibi dabo, et instruam te in hac vitâ quâ gradieris," said P. Melchiades;[x] "We are enlightened by the gift of wisdom, we are built up, taught, instructed, and confirmed; so that we may hear that voice of the Holy Spirit, I will give unto thee an understanding heart, and teach thee in the way wherein thou shalt walk:" for so,

> Signari populos effuso pignore sancto,
> Mirandæ virtutis opus———;[y]

"It is a work of great and wonderful power, when the holy pledge of God is poured forth upon the people."—This is that power from on high, which first descended in Pentecost, and afterward was ministered by prayer and imposition of the apostolical and episcopal hands, and comes after the other gift of remission of sins. "Vides quòd non simpliciter hoc fit, sed multâ opus est virtute, ut detur Spiritus Sanctus. Non enim idem est assequi remissionem peccatorum, et accipere virtutem illam," said St. Chrysostom;[z] "You see that this is not easily done, but there is need of much power from on high to give the Holy Spirit; for it is not all one to obtain remission of sins, and to have received this virtue or power from above."—"Quamvis enim continuò, transituris sufficiant regenerationis beneficia, victuris tamen necessaria sunt confirmationis auxilia," said Melchiades: "Although to them that die presently, the benefits of regeneration (baptismal) are sufficient, yet to them that live, the auxiliaries of confirmation are necessary."—For, according to the saying of St. Leo, in his epistle to Nicetas the bishop of Aquileia, commanding that heretics returning to the church should be confirmed with invocation of the Holy Spirit and imposition of hands, "they have only received the form of baptism 'sine sanctificationis virtute,' 'without the virtue of sanctification:'" meaning, that this is the proper effect of confirmation. For, in short, "although the newly-listed soldiers in human warfare are enrolled in the number of them that are to fight, yet they are not brought to battle till they be more trained and exercised. So although by baptism every one is ascribed into the catalogue of believers, yet he receives more strength and grace for the sustaining and overcoming the temptations of the flesh, the world, and the devil, only by imposition of the bishop's hands:"—They are words which I borrowed from a late synod at Rheims.—That is the first remark of blessing, in confirmation we receive strength to do all that which was for us undertaken in baptism: for the apostles themselves (as the holy fathers observe) were timorous in the faith until they were confirmed in Pentecost; but after the reception of the Holy Ghost they waxed valiant in the faith, and in all their spiritual combats.

2. In confirmation we receive the Holy Ghost as the earnest of our inheritance, as the seal of our salvation: Καλοῦμεν σφραγίδα, ὡς συντήρησιν καὶ τῆς δεσποτείας σημείωσιν, saith Gregory Nazianzen; "We therefore call it a seal or signature, as being a guard and custody to us, and a sign of the Lord's dominion over us."—The confirmed person is πρόβατον ἐσφραγισμένον, "a sheep that is marked,"—which thieves do not so easily steal and carry away. To the same purpose are those words of Theodoret:[a] Ἀνάμνησον σεαυτὸν τῆς ἱερᾶς μυσταγωγίας, ἐν ᾗ οἱ τελούμενοι, μετὰ τὴν ἄρνησιν τοῦ τυράννου, καὶ τὴν τοῦ βασιλέως ὁμολογίαν, οἱονεὶ σφραγῖδα τινα βασιλικὴν δέχονται τοῦ Πνευματικοῦ μύρου τὸ χρίσμα, ὡς ἐν τύπῳ τῷ μύρῳ τὴν ἀόρατον τοῦ ἁγίου Πνεύματος χάριν ὑποδεχόμενοι. "Remember that holy mystagogy, in which they who were initiated, after renouncing that tyrant," (the devil and all his works,) "and the confession of the true King," (Jesus Christ,) "have received the chrism of spiritual unction like a royal signature, by that unction, as in a shadow, perceiving the invisible grace of the most Holy Spirit."—That is, in confirmation we are sealed for the service of God and unto the day of redemption; then it is that the seal of God is had by us, "the Lord knoweth who are his."—"Quomodo verò dices, Dei sum, si notas non produxeris?" said St. Basil;[b] "How can any man say, I am God's sheep, unless he produce the marks?"—Signati estis Spiritu promissionis per sanctissimum divinum Spiritum, Domini grex effecti sumus," said Theophylact: "When we are thus sealed by the most holy and divine Spirit of promise, then we are truly of the Lord's flock, and marked with his seal:" that is,

[s] Rom. vi. 17. [t] Ver. 18.
[u] Serm. de Pentecoste.
[x] Habetur apud Gratian. de Consecrat. dist. 5. c. Spiri-
[y] Tertul. advers. Marcion. lib. 1. Car c. 3.
[z] Homil. 18. in Acta.
[a] Comment. in Cantic. c. i. ii.
[b] In adhort. ad Baptis.

when we are rightly confirmed, then he descends into our souls; and though he does not operate, it may be, presently, but as the reasonable soul works in its due time, and by the order of nature, by opportunities and new fermentations and actualities; so does the Spirit of God: when he is brought into use, when he is prayed for with love and assiduity, when he is caressed tenderly, when he is used lovingly, when we obey his motions readily, when we delight in his words greatly,—then we find it true, that the soul had a new life put into her, a principle of perpetual actions: but the tree planted by the water-side does not presently bear fruit, but "in its due season." By this Spirit we are then sealed; that whereas God hath laid up an inheritance for us in the kingdom of heaven, and in the faith of that we must live and labour, to confirm this faith God hath given us this pledge, the Spirit of God is a witness to us, and tells us by his holy comforts, by the peace of God, and the quietness and refreshments of a good conscience, that God is our Father, that we are his sons and daughters, and shall be coheirs with Jesus in his eternal kingdom. In baptism we are made the sons of God, but we receive the witness and testimony of it in confirmation. This is ὁ Παράκλητος, the Holy Ghost, "the Comforter," this is he whom Christ promised and did send in Pentecost, and was afterward ministered and conveyed by prayer and imposition of hands: and by this Spirit he makes the confessors bold, and the martyrs valiant, and the tempted strong, and the virgins to persevere, and widows to sing his praises and his glories. And this is that excellency which the church of God called "the Lord's seal," and teaches to be imprinted in confirmation: τὸ τέλειον φυλακτήριον, τὴν σφραγῖδα τοῦ Κυρίου, "a perfect phylactery" or guard, even "the Lord's seal;" so Eusebius calls it.

I will not be so curious as to enter into a discourse of the philosophy of this: but I shall say, that they who are curious in the secrets of nature, and observe external signatures in stones, plants, fruits, and shells, of which naturalists make many observations and observe strange effects, and the more internal signatures in minerals and living bodies, of which chemists discourse strange secrets, may easily, if they please, consider that it is infinitely credible, that in higher essences, even in spirits, there may be signatures proportionable, wrought more immediately and to greater purposes by a Divine hand. I only point at this, and so pass it over as, it may be, not fit for every man's consideration.

And now if any man shall say, we see no such things as you talk of, and find the confirmed people the same after as before, no better and no wiser, not richer in gifts, not more adorned with graces, nothing more zealous for Christ's kingdom, not more comforted with hope, or established by faith, or built up with charity; they neither speak better, nor live better: what then? Does it therefore follow that the Holy Ghost is not given in confirmation? Nothing less. For is not Christ given us in the sacrament of the Lord's supper? Do not we receive his body and his blood? Are we not made all one with Christ, and he with us? And yet it is too true, that when we arise from that holy feast, thousands there are that find no change. But there are in this two things to be considered.

One is, that the changes which are wrought upon our souls are not, after the manner of nature, visible, and sensible, and with observation. "The kingdom of God cometh not with observation:" for it is within you, and is only discerned spiritually, and produces its effects by the method of heaven, and is first apprehended by faith, and is endeared by charity, and at last is understood by holy and kind experiences. And in this there is no more objection against confirmation than against baptism, or the Lord's supper, or any other ministry evangelical.

The other thing is this: if we do not find the effects of the Spirit in confirmation, it is our faults. For he is received by moral instruments, and is intended only as a help to our endeavours, to our labours and our prayers, to our contentions and our mortifications, to our faith and to our hope, to our patience and to our charity. "Non adjuvari dicitur, qui nihil facit," "He that does nothing, cannot be said to be helped." Unless we in these instances do our part of the work, it will be no wonder if we lose his part of the co-operation and supervening blessing. He that comes under the bishop's hands to receive the gift of the Holy Ghost, will come with holy desires and a longing soul, with an open hand and a prepared heart; he will purify the house of the Spirit for the entertainment of so Divine a guest; he will receive him with humility, and follow him with obedience, and delight him with purities: and he that does thus, let him make the objection if he can, and tell me, does he "say that Jesus is the Lord?" He cannot say this "but by the Holy Ghost."—Does he love his brother? If he does, then "the Spirit of God abides in him."—Is Jesus Christ formed in him? Does he live by the laws of the Spirit? Does he obey his commands? Does he attend his motions? Hath he no earnest desires to serve God? If he have not, then in vain hath he received either baptism or confirmation. But if he have, it is certain that of himself he cannot do these things: he "cannot of himself think a good thought." Does he therefore think well? That is from the Holy Spirit of God.

To conclude this inquiry: "the Holy Ghost is promised to all men to profit withal;" [c] that is plain in Scripture. Confirmation, or prayer and imposition of the bishop's hand, is the solemnity and rite used in Scripture for the conveying of that promise, and the effect is felt in all the sanctifications and changes of the soul; and he that denies these things hath not faith, nor the true notices of religion, or the Spirit of christianity. Hear what the Scriptures yet further say in this mystery: "Now he which confirmeth or stablisheth us with you in Christ, and hath anointed us, is God: who hath also sealed us, and given the earnest of the Spirit in our hearts." [d] Here is a description of the whole mysterious part of this rite. God is the author of the grace: the

[c] 1 Cor. xii. 7.

[d] 2 Cor. i. 21, 22.

apostles and all christians are the suscipients, and receive this grace; by this grace we are adopted and incorporated into Christ: God hath anointed us; that is, he hath given us this unction from above, " he hath sealed us by his Spirit," made us his own, bored our ears through, made us free by his perpetual service, and hath done all these things in token of a greater; he hath given us his Spirit to testify to us that he will give us of his glory. These words of St. Paul, besides that they evidently contain in them the spiritual part of this ritual, are also expounded of the rite and sacramental itself by St. Chrysostom, Theodoret, and Theophylact, that I may name no more. For in this mystery, " Christos nos efficit, et misericordiam Dei nobis annunciat per Spiritum Sanctum," said St. John Damascen;[e] " he makes us his anointed ones, and by the Holy Spirit he declares his eternal mercy towards us."—" Nolite tangere Christos meos," " Touch not mine anointed ones."—For when we have this signature of the Lord upon us, the devils cannot come near to hurt us, unless we consent to their temptations, and drive the Holy Spirit of the Lord from us.

SECTION VII.

Of Preparation to Confirmation, and the Circumstances of receiving it.

IF confirmation have such gracious effects, why do we confirm little children, whom in all reason we cannot suppose to be capable and receptive of such graces? It will be no answer to this, if we say, that this very question is asked concerning the baptism of infants, to which as great effects are consequent, even pardon of all our sins, and the new birth and regeneration of the soul unto Christ: for in these things the soul is wholly passive, and nothing is required of the suscipient but that he put in no bar against the grace; which because infants cannot do, they are capable of baptism; but it follows not, that therefore they are capable of confirmation, because this does suppose them such as to need new assistances, and is a new profession, and a personal undertaking, and therefore requires personal abilities, and cannot be done by others, as in the case of baptism. The aids given in confirmation are in order to our contention and our danger, our temptation and spiritual warfare; and therefore it will not seem equally reasonable to confirm children as to baptize them.

To this I answer, that, in the primitive church, confirmation was usually administered at the same time with baptism; for we find many records, that when the office of baptism was finished, and the baptized person divested of the white robe, the person was carried again to the bishop to be confirmed, as I have already shown out of[f] Dionysius and divers others. The reasons why anciently they were ministered immediately after one another is, not only because the most of them that were baptized, were of years to choose their religion, and did so, and therefore were capable of all that could be consequent to baptism, or annexed to it, or ministered with it, and therefore were also at the same time communicated as well as confirmed;—but also because the solemn baptisms were at solemn times of the year, at Easter only and Whitsuntide, and only in the cathedral or bishop's church in the chief city; whither when the catechumens came, and had the opportunity of the bishop's presence, they took the advantage " ut sacramento utroque renascantur," as St. Cyprian's expression is, " that they might be regenerated by both the mysteries," and they also had the third added, viz. the holy eucharist.

This simultaneous ministration hath occasioned some few of late to mistake confirmation for a part of baptism, but no distinct rite, or of distinct effect, save only that it gave ornament and complement or perfection to the other. But this is infinitely confuted by the very first ministry of confirmation in the world: for there was a great interval between St. Philip's baptizing and the apostle's confirming the Samaritans; where also the difference is made wider by the distinction of the minister; a deacon did one, none but an apostle and his successor a bishop could do the other: and this being of so universal a practice and doctrine in the primitive church, it is a great wonder that any learned men could suffer an error in so apparent a case. It is also clear in two other great remarks of the practice of the primitive church. The one is of them who were baptized in their sickness, the *οἱ ἐν νόσῳ παραλαμβάνοντες, καὶ εἶτα ἀναστάντες*, when they recovered they were commanded to address themselves to the bishop to be confirmed; which appears in the thirty-eighth canon of the council of Eliberis, and the forty-sixth canon of the council of Laodicea, which I have before cited upon other occasions: the other is, that of heretics returning to the church, who were confirmed not only long after baptism, but after their apostasy and their conversion.

For although episcopal confirmation was the enlargement of baptismal grace, and commonly administered the same day, yet it was done by interposition of distinct ceremonies, and not immediately in time. Honorius Augustodunensis[g] tells that when the baptized on the eighth day had laid aside their mitres, or proper habit used in baptism, then they were usually confirmed, or consigned with chrism in the forehead by the bishop. And when children were baptized irregularly, or besides the ordinary way, in villages and places distant from the bishop, confirmation was deferred, said Durandus. And it is certain, that this affair did not last long without variety: sometimes they ministered both together; sometimes at greater, sometimes

[e] Lib. 4. de Fide, cap. 10.
[f] Cap. 4. part 3. de Eccles. Hier. Melchiad. Epist. ad Episc. Hispan. Ordo Rom. cap. de Die Sabbati S. Pasch. Alcuin. de Divin. Offic. c. 19.
[g] Vide Cassandrum Schol. ad Hym. Eccl.

at lesser distances; and it was left indifferent in the church to do the one or the other, or the third, according to the opportunity and the discretion of the bishop.

But afterward in the middle and descending ages it grew to be a question, not whether it were lawful or not, but which were better, to confirm infants, or to stay to their childhood or to their riper years. Aquinas, Bonaventure, and some others, say, it is best that they be confirmed in their infancy, "quia dolus non est, nec obicem ponunt," "they are then without craft, and cannot hinder" the descent of the Holy Ghost upon them. And indeed it is most agreeable with the primitive practice, that if they were baptized in infancy, they should then also be confirmed; according to that of the famous epistle of Melchiades to the bishops of Spain: "Ità conjuncta sunt hæc duo sacramenta, ut ab invicem, nisi morte præveniente, non possint separari, et unum sine altero ritè perfici non potest." Where although he expressly affirms the rites to be two, yet unless it be in cases of necessity, they are not to be severed, and one without the other is not perfect; which, in the sense formerly mentioned, is true, and so to be understood,—that to him who is baptized and is not confirmed, something very considerable is wanting, and therefore they ought to be joined, though not immediately, yet εὐχρόνως, according to reasonable occasions and accidental causes. But in this there must needs be a liberty in the church, not only for the former reasons, but also because the apostles themselves were not confirmed till after they had received the sacrament of the Lord's supper.

Others therefore say, that to confirm them of riper years is with more edification. The confession of faith is more voluntary, the election is wiser, the submission to Christ's discipline is more acceptable, and they have more need, and can make better use of their strength then derived by the Holy Spirit of God upon them: and to this purpose it is commanded in the canon law, that they who are confirmed should be "perfectæ ætatis," "of full age;" upon which the gloss[h] says, "Perfectam vocat fortè duodecim annorum;" "Twelve years old was a full age, because, at those years, they might then be admitted to the lower services in the church."—But the reason intimated and implied by the canon is, because of the preparation to it; "they must come fasting, and they must make public confession of their faith."—And indeed that they should do so is matter of great edification, as also are the advantages of choice, and other preparatory abilities and dispositions above mentioned. They are matter of edification, I say, when they are done; but then the delaying of them so long before they be done, and the wanting the aids of the Holy Ghost conveyed in that ministry, are very prejudicial, and are not matter of edification.

But therefore there is a third way, which the church of England and Ireland follows, and that is, that after infancy, but yet before they understand too much of sin, and when they can competently understand the fundamentals of religion, then it is good to bring them to be confirmed, that the Spirit of God may prevent their youthful sins, and Christ by his word and by his Spirit may enter and take possession at the same time. And thus it was in the church of England long since provided and commanded by the laws of King Edgar,[i] cap. 15. "ut nullus ab episcopo confirmari diu nimiùm detrectârit," "that none should too long put off his being confirmed by the bishop;" that is, as is best expounded by the perpetual practice almost ever since, as soon as ever, by catechism and competent instruction, they were prepared, it should not be deferred. If it have been omitted, (as of late years it hath been too much,) as we do in baptism, so in this also, it may be taken at any age, even after they have received the Lord's supper; as I observed before in the practice and example of the apostles themselves, which in this is an abundant warrant: but still the sooner the better: I mean, after that reason begins to dawn: but ever it must be taken care of, that the parents and godfathers, the ministers and masters, see that the children be catechised and well instructed in the fundamentals of their religion.

For this is the necessary preparation to the most advantageous reception of this holy ministry. "In ecclesiis potissimùm Latinis non nisi adultiore ætate pueros admitti videmus, vel hanc certè ob causam, ut parentibus, susceptoribus et ecclesiarum præfectis occasio detur pueros de fide, quam in baptismo professi sunt, diligentiùs instituendi et admonendi," said the excellent Cassander.[k] In the Latin churches they admit children of some ripeness of age, that they may be more diligently taught and instructed in the faith. And to this sense agree St. Austin,[l] Walafridus Strabo, Ruardus Lovaniensis, and Mr. Calvin.

For this was ever the practice of the primitive church, to be infinitely careful of catechising those who came and desired to be admitted to this holy rite; they used exorcisms or catechisms to prepare them to baptism and confirmation. I said exorcisms or catechisms, for they were the same thing; if the notion be new, yet I the more willingly declare it, not only to free the primitive church from the suspicion of superstition in using charms or exorcisms, (according to the modern sense of the word,) or casting of the devil out of innocent children, but also to remonstrate the perpetual practice of catechising children in the eldest and best times of the church. Thus the Greek scholiast upon Harmenopulus renders the word ἐφορκιστὰς by κατηχητὰς, the primitive "exorcist" was the "catechist:" and Balsamon upon the twenty-sixth canon of the council of Laodicea says, that to exorcise is nothing but to catechise the unbelievers, Τινὲς ἐπεχείρουν ἐφορκίζειν, τουτέστι κατηχεῖν ἀπίστους, "Some undertook to exorcise, that is, (says he,) to catechise the unbelievers:" and St. Cyril, in his preface to his catechisms, speaking to the "illuminati," "Festinent (says he) pedes tui ad catecheses audiendas; exorcismos studiosè suscipe," &c. "Let your feet run hastily to hear the catechisms, studiously receive the exorcisms, although thou beest already inspired

[h] De Consecrat. dist. 5. c. ut Jejuni.
[i] A. D. 967.
[k] Consultationis, cap. 9.
[l] Serm. 116. in Ramis Palmarum.—De lib. Ecclesiast. c. 26.

and exorcised; that is, although you have been already instructed in the mysteries, yet still proceed: for without exorcisms, (or catechisms,) the soul cannot go forward, since they are divine, and gathered out of the Scriptures." And the reason why these were called exorcisms he adds; "Because when the exorcists or catechists by the Spirit of God produce fear in your hearts, and do enkindle the spirit as in a furnace, the devil flies away, and salvation and hope of life eternal do succeed:" according to that of the evangelist[m] concerning Christ; "They were astonished at his doctrine, for his word was with power:" and that of St. Luke[n] concerning Paul and Barnabas; "The deputy, when he saw what was done, was astonished at the doctrine of the Lord." It is the Lord's doctrine that hath the power to cast out devils and work miracles; catechisms are the best exorcisms. "Let us therefore, brethren, abide in hope, and persevere in catechisings, (saith St. Cyril,) although they be long, and produced with many words or discourses."—The same also we find in St. Gregory Nazianzen,[o] and St. Austin.[p]

The use that I make of this notion, is principally to be an exhortation to all of the clergy, that they take great care to catechise all their people, to bring up children in the nurture and admonition of the Lord, to prepare a holy seed for the service of God, to cultivate the young plants and to dress the old ones, to take care that those who are men in the world, be not mere babes and uninstructed in Christ, and that they who are children in age, may be wise unto salvation: for by this means we shall rescue them from early temptations, when being so prepared they are so assisted by a divine ministry; we shall weaken the devil's power, by which he too often and too much prevails upon uninstructed and unconfirmed youth. For μύρον τῆς βεβαίωσις ὁμολογίας, "confirmation is the firmament of our profession;" but we profess nothing till we be catechised. Catechisings are our best preachings, and by them we shall give the best accounts of our charges, while in the behalf of Christ we make disciples, and take prepossession of infant understandings, and by his holy rite, by prayer and imposition of hands, we minister the Holy Spirit to them, and so prevent and disable the artifices of the devil; "for we are not ignorant of his devices," how he enters as soon as he can, and taking advantage of their ignorance and their passion, seats himself so strongly in their hearts and heads.

Turpiùs ejicitur quam non admittitur hostis;

"It is harder to cast the devil out than to keep him out." Hence it is that the youth are so corrupted in their manners, so devilish in their natures, so cursed in their conversation, so disobedient to parents, so wholly given to vanity and idleness; they learn to swear before they can pray, and to lie as soon as they can speak. It is not my sense alone, but was long since observed by Gerson[q] and Guliel-mus Parisiensis, "Propter cessationem confirmationis tepiditas grandior est in fidelibus, et fidei defensione;" there is a coldness and deadness in religion, and it proceeds from the neglect of confirmation rightly ministered, and after due preparations and dispositions. A little thing will fill a child's head: teach them to say their prayers, tell them the stories of the life and death of Christ, cause them to love the holy Jesus with their first love, make them afraid of a sin; let the principles which God hath planted in their very creation, the natural principles of justice and truth, of honesty and thankfulness, of simplicity and obedience, be brought into act, and habit, and confirmation, by the holy sermons of the Gospel. If the guides of souls would have their people holy, let them teach holiness to their children, and then they will (at least) have a new generation unto God, better than this wherein we now live. They who are most zealous in this particular, will with most comfort reap the fruit of their labours, and the blessings of their ministry; and by the numbers which every curate presents to his bishop fitted for confirmation, he will in proportion render an account of his stewardship with some visible felicity. And let it be remembered, that in the last rubric of the office of confirmation in our liturgy it is made into a law, that "none should be admitted to the holy communion, until such time as he could say the catechism, and be confirmed:" which was also a law and custom in the primitive church, as appears in St. Dionysius's Ecclesiastical Hierarchy, and the matter of fact is notorious. Among the Helvetians, they are forbidden to contract marriages, before they are well instructed in the catechism: and in a late synod at Bourges, the curates are commanded to threaten all that are not confirmed, that they shall never receive the Lord's supper, nor be married. And in effect the same is of force in our church: for the married persons being to receive the sacrament at their marriage, and none are to receive but those that are confirmed, the same law obtains with us as with the Helvetians or the "synodus Bituricensis."

There is another little inquiry which I am not willing to omit; but the answer will not be long, because there is not much to be said on either side. Some inquire whether the holy rite of confirmation can be ministered any more than once. St. Austin[r] seems to be of opinion that it may be repeated: "Quid enim aliud est impositio manuum nisi oratio super hominem?" "Confirmation is a solemn prayer over a man;"—and if so, why it may not be reiterated can have nothing in the nature of the thing; and the Greeks do it frequently, but they have no warranty from the Scripture, nor from any of their own ancient doctors. Indeed when any did return from heresy, they confined them, as I have proved out of the first and second council of Arles, the council of Laodicea, and the second council of Seville: but upon a closer intuition of the thing, I find they did so only to such, who did not allow of confirmation in their sects, such as the Novatians and the Donatists. "Novatiani pœnitentiam à suo conventu arcent penitus, et iis qui ab ipsis tinguntur,

[m] Luke iv. 32. [n] Acts xiii. 12.
[o] Orat. de Baptism. [p] In Psal. lxvi
[q] De Exterminat. Schism.
[r] Lib. 3. de Bapt. c. 16.

sacrum chrismo non præbent. Quocirca qui ex hac hæresi corpori ecclesiæ conjunguntur, benedicti patres ungi jusserunt:" so Theodoret.[a] For that reason only the Novatians were to be confirmed upon their conversion, because they had it not before. I find also they did confirm the converted Arians; but the reason is given in the first council of Arles, "quia propriâ lege utuntur," "they had a way of their own:" that is, as the gloss saith upon the canon "de Arianis Consecrat. dist. 4." "their baptism was not in the name of the holy Trinity;" and so their baptism being null, or at least suspected, to make all as sure as they could, they confirmed them. The same also is the case of the Bonasiaci in the second council of Arles, though they were (as some of the Arians also were) baptized in the name of the most holy Trinity; but it was a suspected matter, and therefore they confirmed them: but to such persons who had been rightly baptized and confirmed, they never did repeat it. Πνεύματος ἁγίου σφραγῖδα δῶη ἀνεξάλειπτον, "The gift of the Spirit is an indelible seal," saith St. Cyril;[t]—ἀνεπιχείρητον St. Basil calls it, it is "inviolable." They who did rebaptize, did also reconfirm. But as it was an error in St. Cyprian and the Africans to do the first, so was the second also, in case they had done it; for I find no mention expressly that they did the latter but upon the forementioned accounts, and either upon supposition of the invalidity of their first pretended baptism, or their not using at all of confirmation in their heretical conventicles. But the repetition of confirmation is expressly forbidden by the council of Tarracon,[u] cap. 6. and by Pope Gregory the Second: and "sanctum chrisma collatum et altaris honor propter consecrationem (quæ per episcopos tantùm exercenda et conferenda sunt) evelli non queunt," said the fathers in a council at Toledo;[x] "confirmation and holy orders, which are to be given by bishops alone, can never be annulled, and therefore they can never be repeated." And this relies upon those severe words of St. Paul: having spoken of "the foundation of the doctrine of baptisms and laying on of hands," he says, "if they fall away, they can never be renewed;"[y] that is, the ministry of baptism and confirmation can never be repeated. To christians that sin after these ministrations, there is only left a γήψατε, "expergiscimini," that they "arise from slumber," and stir up the graces of the Holy Ghost. Every man ought to be careful that he "do not grieve the Holy Spirit;" but if he does, yet let him not "quench" him, for that is a desperate case. Φύλαττε τὸν φυλακτικόν· The Holy Spirit is the great conservative of the new life; only "keep the keeper;" take care that the Spirit of God do not depart from you: for the great ministry of the Spirit is but once; for as baptism is, so is confirmation.

I end this discourse with a plain exhortation out of St. Ambrose, upon those words of St. Paul, "He that confirmeth us with you in Christ, is God;" "Repete quia accepisti signaculum spirituale, spiritum sapientiæ et intellectûs, spiritum consilii atque virtutis, spiritum cognitionis atque pietatis, spiritum sancti timoris, et serva quod accepisti. Signavit te Deus Pater, confirmavit te Christus Dominus:" "Remember that thou (who hast been confirmed) hast received the spiritual signature: the spirit of wisdom and understanding, the spirit of counsel and strength, the spirit of knowledge and godliness, the spirit of holy fear: keep what thou hast received. The Father hath sealed thee, and Christ thy Lord hath confirmed thee, by his Divine Spirit;"—and he will never depart from thee, εἰ μὴ δι' ἔργων φαυλότητα ἡμεῖς ἑαυτοὺς ταύτης ἀποξενώσωμεν, "unless by evil works we estrange him from us."[z] The same advice is given by Prudentius.

> Cultor Dei, memento
> Te fontis et lavacri
> Rorem subiisse sanctum,
> Et chrismate innotatum.[a]

Remember how great things ye have received, and what God hath done for you: ye are of his flock and his militia; ye are now to fight his battles, and therefore to put on his armour, and to implore his auxiliaries, and to make use of his strengths, and always to be on his side against all his and all our enemies. But he that desires grace, must not despise to make use of all the instruments of grace. For though God communicates his invisible Spirit to you, yet that he is pleased to do it by visible instruments, is more than he needs, but not more than we do need. And therefore since God descends to our infirmities, let us carefully and lovingly address ourselves to his ordinances: that as we receive remission of sins by the washing of water, and the body and blood of Christ by the ministry of consecrated symbols; so we may receive the Holy Ghost "sub ducibus christianæ militiæ," by the prayer and imposition of the bishop's hands, whom our Lord Jesus hath separated to this ministry. "For if you corroborate yourself by baptism," (they are the words of St. Gregory Nazianzen,[b]) "and then take heed for the future, by the most excellent and firmest aids consigning your mind and body with the unction from above," (viz. in the holy rite of confirmation,) "with the Holy Ghost, as the children of Israel did with the aspersion on the door-posts in the night of the death of the first-born of Egypt, what (evil) shall happen to you?" (meaning, that no evil can invade you:) "and what aid shall you get? If you sit down, you shall be without fear; and if you rest, your sleep shall be sweet unto you."—But if when ye have received the Holy Spirit, you live not according to his Divine principles, you will lose him again; that is, you will lose all the blessing, though the impression does still remain, till ye turn quite apostates: "in pessimis hominibus manebit, licèt ad judicium" (saith St. Austin[c]); "the Holy Ghost will remain," either as a testimony of your unthankfulness unto condemnation, or else as a seal of grace, and an earnest of your inheritance of eternal glory.

[a] Lib. 3. Hæret. Fabul. [t] Cyril. Hieros. in Procatech.
[u] Apud Gratian. de Consecrat. dist. 5. cap. Dictum est, et cap. de Homine.
[x] Concil. Toletan. 8. can. 7. [y] Heb. vi. 6.
[z] Zonar. in Can. Laodicen. 48. [a] Innovatum.
[b] Orat. in Sanct. Lavac. [c] Lib. 2. cont. Lit. Petil. c. 104.

A DISCOURSE

OF THE

NATURE, OFFICES, AND MEASURES OF FRIENDSHIP,

WITH RULES OF CONDUCTING IT,

IN A LETTER TO THE MOST INGENIOUS AND EXCELLENT MRS. KATHARINE PHILIPS.

MADAM,

THE wise Ben Sirach advised that we should not consult with a woman concerning her of whom she is jealous, neither with a coward in matters of war, nor with a merchant concerning exchange; and some other instances he gives of interested persons, to whom he would not have us hearken in any matter of council. For wherever the interest is secular or vicious, there the bias is not on the side of truth or reason, because these are seldom served by profit and low regards. But to consult with a friend in the matters of friendship, is like consulting with a spiritual person in religion; they who understand the secrets of religion, or the interior beauties of friendship, are the fittest to give answers in all inquiries concerning the respective subjects; because reason and experience are on the side of interest; and that which in friendship is most pleasing and most useful, is also most reasonable and most true; and a friend's fairest interest is the best measure of the conducting friendships: and therefore you who are so eminent in friendships, could also have given the best answer to your own inquiries, and you could have trusted your own reason, because it is not only greatly instructed by the direct notices of things, but also by great experience in the matter of which you now inquire.

But because I will not use any thing that shall look like an excuse, I will rather give you such an account which you can easily reprove, than by declining your commands, seem more safe in my prudence, than open and communicative in my friendship to you.

You first inquire, how far a dear and perfect friendship is authorized by the principles of christianity?

To this I answer; that the word "friendship," in the sense we commonly mean by it, is not so much as named in the New Testament; and our religion takes no notice of it. You think it strange; but read on before you spend so much as the beginning of a passion or a wonder upon it. There is mention of "friendship with the world," and it is said to be "enmity with God;" but the word is no where else named, or to any other purpose, in all the New Testament. It speaks of friends often; but by friends are meant our acquaintance, or our kindred, the relatives of our family, or our fortune, or our sect; something of society, or something of kindness, there is in it; a tenderness of appellation and civility, a relation made by gifts, or by duty, by services and subjection; and I think I have reason to be confident, that the word "friend" (speaking of human intercourse) is no otherwise used in the Gospels, or Epistles, or Acts of the Apostles: and the reason of it is, the word friend is of a large signification; and means all relations and societies, and whatsoever is not enemy. But by friendships, I suppose you mean the greatest love, and the greatest usefulness, and the most open communication, and the noblest sufferings, and the most exemplar faithfulness, and the severest truth, and the heartiest counsel, and the greatest union of minds, of which brave men and women are capable. But then I must tell you that christianity hath new christened it, and calls this charity. The christian knows no enemy he hath; that is, though persons may be injurious to him, and unworthy in themselves, yet he knows none whom he is not first bound to forgive, which is indeed to make them on his part to be no enemies, that is, to make that the word enemy shall not be perfectly contrary to friend, it shall not be a relative term, and signify something on each hand, a relative and a correlative; and then he knows none whom he is not bound to love and pray for, to treat kindly and justly, liberally and obligingly. Christian charity is friendship to all the world; and when friendships were the noblest things in the world, charity was little, like the sun drawn in at a chink, or his beams drawn into the centre of a burning-glass; but christian charity is friendship expanded like the face of the sun when it mounts

above the eastern hills; and I was strangely pleased when I saw something of this in Cicero; for I have been so pushed at by herds and flocks of people that follow any body that whistles to them, or drives them to pasture, that I am grown afraid of any truth that seems chargeable with singularity; but therefore, I say, glad I was when I saw Lælius in Cicero discourse thus: "Amicitia ex infinitate generis humani, quam conciliavit ipsa natura, contracta res est, et adducta in angustum, ut omnis caritas, aut inter duos, aut inter paucos jungeretur." Nature hath made friendships and societies, relations and endearments; and by something or other we relate to all the world; there is enough in every man that is willing to make him become our friend: but when men contract friendships, they enclose the commons; and what nature intended should be every man's, we make proper to two or three. Friendship is like rivers and the strand of seas, and the air, common to all the world; but tyrants, and evil customs, wars, and want of love, have made them proper and peculiar. But when christianity came to renew our nature, and to restore our laws, and to increase her privileges, and to make her aptness to become religion, then it was declared that our friendships were to be as universal as our conversation; that is, actual to all with whom we converse, and potentially extended unto those with whom we did not. For he who was to treat his enemies with forgiveness and prayers, and love and beneficence, was indeed to have no enemies, and to have all friends.

So that to your question, how far a dear and perfect friendship is authorized by the principles of christianity? the answer is ready and easy. It is warranted to extend to all mankind; and the more we love, the better we are; and the greater our friendships are, the dearer we are to God. Let them be as dear, and let them be as perfect, and let them be as many, as you can; there is no danger in it; only where the restraint begins, there begins our imperfection. It is not ill that you entertain brave friendships and worthy societies: it were well if you could love and if you could benefit all mankind; for I conceive that is the sum of all friendship.

I confess this is not to be expected of us in this world; but as all our graces here are but imperfect, that is, at the best they are but tendencies to glory; so our friendships are imperfect too, and but beginnings of a celestial friendship, by which we shall love every one as much as they can be loved. But then so we must here in our proportion; and indeed that is it that can make the difference; we must be friends to all, that is, apt to do good, loving them really, and doing to them all the benefits which we can, and which they are capable of. The friendship is equal to all the world, and of itself hath no difference; but is differenced only by accidents, and by the capacity or incapacity of them that receive it. Nature and religion are the bands of friendships; excellency and usefulness are its great endearments: society and neighbourhood, that is, the possibilities and the circumstances of converse, are the determinations and actualities of it. Now when men either are unnatural or irreligious, they will not be friends: when they are neither excellent nor useful, they are not worthy to be friends; when they are strangers or unknown, they cannot be friends actually and practically; but yet, as any man hath any thing of the good, contrary to those evils, so he can have and must have his share of friendship. For thus the sun is the eye of the world; and he is indifferent to the negro, or the cold Russian; to them that dwell under the line, and them that stand near the tropics; the scalded Indian, or the poor boy that shakes at the foot of the Riphean hills. But the fluxures of the heaven and the earth, the conveniency of abode, and the approaches to the north or south respectively, change the emanations of his beams; not that they do not pass always from him, but that they are not equally received below,—but by periods and changes, by little inlets and reflections, they receive what they can. And some have only a dark day and a long night from him, snows and white cattle, a miserable life, and a perpetual harvest of catarrhs and consumptions; apoplexies and dead palsies. But some have splendid fires, and aromatic spices, rich wines, and well-digested fruits, great wit and great courage; because they dwell in his eye, and look in his face, and are the courtiers of the sun, and wait upon him in his chambers of the east. Just so is it in friendship: some are worthy, and some are necessary; some dwell hard by, and are fitted for converse: nature joins some to us, and religion combines us with others; society and accidents, parity of fortune, and equal dispositions, do actuate our friendships: which of themselves and in their prime disposition, are prepared for all mankind according as any one can receive them. We see this best exemplified by two instances and expressions of friendships and charity, viz. alms and prayers: every one that needs relief, is equally the object of our charity; but though to all mankind in equal needs we ought to be alike in charity, yet we signify this severally, and by limits and distinct measures: the poor man that is near me, he whom I meet, he whom I love, he whom I fancy, he who did me benefit, he who relates to my family,—he rather than another; because my expressions being finite and narrow, and cannot extend to all in equal significations, must be appropriate to those, whose circumstances best fit me: and yet even to all I give my alms; to all the world that needs them: I pray for all mankind; I am grieved at every sad story I hear; I am troubled when I hear of a pretty bride murdered in her bride-chamber by an ambitious and enraged rival; I shed a tear when I am told that a brave king was misunderstood, then slandered, then imprisoned, and then put to death, by evil men: and I can never read the story of the Parisian massacre, or the Sicilian vespers, but my blood curdles, and I am disordered by two or three affections. A good man is a friend to all the world; and he is not truly charitable that does not wish well and do good to all mankind in what he can. But though we must pray for all men, yet we say special litanies for

brave kings, and holy prelates, and the wise guides of souls, for our brethren and relations, our wives and children.

The effect of this consideration is, that the universal friendship of which I speak, must be limited, because we are so: in those things where we stand next to immensity and infinity, as in good wishes and prayers, and a readiness to benefit all mankind, in these our friendships must not be limited: but in other things which pass under our hand and eye, our voices and our material exchanges; our hands can reach no further but to our arms' end, and our voices can but sound till the next air be quiet, and therefore they can have intercourse but within the sphere of their own activity; our needs and our conversations are served by a few, and they cannot reach to all; where they can, they must; but where it is impossible, it cannot be necessary. It must therefore follow, that our friendships to mankind may admit variety as does our conversation; and as by nature we are made sociable to all, so we are friendly; but as all cannot actually be of our society, so neither can all be admitted to a special, actual friendship. Of some intercourses all men are capable, but not of all; men can pray for one another, and abstain from doing injuries to all the world, and be desirous to do all mankind good, and love all men; now this friendship we must pay to all, because we can; but if we can do no more to all, we must show our readiness to do more good to all, by actually doing more good to all them to whom we can.

To some we can, and therefore there are nearer friendships to some than to others, according as there are natural or civil nearnesses, relations, and societies; and as I cannot express my friendships to all in equal measures and significations, that is, as I cannot do benefits to all alike, so neither am I tied to love all alike: for although there is much reason to love every man, yet there are more reasons to love some than others; and if I must love because there is reason I should, then I must love more where there is more reason; and where there is a special affection and a great readiness to do good and to delight in certain persons towards each other, there is that special charity and endearment, which philosophy calls friendship, but our religion calls love or charity. Now if the inquiry be concerning this special friendship, 1. How it can be appropriate, that is, who to be chosen to it? 2. How far it may extend, that is, with what expressions signified? 3. How conducted? The answers will depend upon such considerations which will be neither useless nor unpleasant.

1. There may be a special friendship contracted for any special excellency whatsoever: because friendships are nothing but love and society mixed together, that is, a conversing with them whom we love; now for whatsoever we can love any one, for that we can be his friend; and since every excellency is a degree of amability, every such worthiness is a just and proper motive of friendship or loving conversation. But yet in these things there is an order and proportion. Therefore,

2. A good man is the best friend, and therefore soonest to be chosen, longer to be retained; and indeed never to be parted with, unless he cease to be that for which he was chosen.

> Τῶν δ' ἄλλων ἀρετὴ· ποιεῖ φίλον ὁστὶς ἄριστος,
> Μήποτε τὸν κακὸν ἄνδρα φίλον ποιεῖσθαι ἑταῖρον.
>
> Where virtue dwells, there friendships make,
> But evil neighbourhoods forsake.

But although virtue alone is the worthiest cause of amability, and can weigh down any one consideration; and therefore to a man that is virtuous, every man ought to be a friend; yet I do not mean the severe and philosophical excellences of some morose persons, who are indeed wise unto themselves, and exemplar to others. By virtue here I do not mean justice and temperance, charity and devotion; for these I am to love the man; but friendship is something more than that: friendship is the nearest love and the nearest society, of which the persons are capable: now justice is a good intercourse for merchants, as all men are that buy and sell; and temperance makes a man good company, and helps to make a wise man: but a perfect friendship requires something else; these must be in him that is chosen to be my friend, but for these I do not make him my privado, that is, my special and peculiar friend: but if he be a good man, then he is properly fitted to be my correlative in the noblest combination.

And for this we have the best warrant in the world: "for a just man scarcely will a man die;" the Syriac interpreter reads it, ὑπὲρ ἀδίκου, "for an unjust man scarcely will a man die," that is, a wicked man is at no hand fit to receive the expression of the greatest friendship; but all the Greek copies that ever I saw, or read of, read it as we do; "for a righteous man" or "a just man;" that is, justice and righteousness are not the nearest endearment of friendship; but for "a good man some will even dare to die," that is, for a man that is sweetly disposed, ready to do acts of goodness and to oblige others, to do things useful and profitable; for a loving man, a beneficent, bountiful man, one who delights in doing good to his friend; such a man may have the highest friendship, he may have a friend that will die for him. And this is the meaning of Lælius, virtue may be despised, so may learning and nobility; "At una est amicitia in rebus humanis de cujus utilitate omnes consentiunt;" "Only friendship is that thing, which because all know to be useful and profitable," no man can despise; that is, χρηστότης, or ἀγαθότης, "goodness" or "beneficence" makes friendships. For if he be a good man, he will love where he is beloved; and that is the first tie of friendship.

> Ἀλλήλους ἐφίλησαν ἴσῳ ζυγῷ.

That was the commendation of the bravest friendship in Theocritus,

> They lov'd each other with a love
> That did in all things equal prove.

——Ἦ ῥα τοτ' ἦσαν
Χρυσείοι πάλαι ἄνδρες, ὅτ' ἀντιφίλησ' ὁ φιληθείς.

The world was under Saturn's reign
When he that lov'd was lov'd again.

For it is impossible this nearness of friendship can be where there is not mutual love: but this is secured if I choose a good man; for he that is apt enough to begin alone, will never be behind in the relation and correspondency; and therefore I like the gentile's litany well.

Ζεύς μοι τῶν τε φίλων δοίη τισιν, οἵ με φιλεῦσι·
Ὄλβιοι οἱ φιλέοντες, ἐπὴν ἴσον ἀντεραώνται.

Let God give friends to me for my reward,
Who shall my love with equal love regard;
Happy are they, who when they give their heart,
Find such as in exchange their own impart.

But there is more in it than this felicity amounts to. For χρηστὸς ἀνὴρ, "the good man" is a profitable, useful person, and that is the band of an effective friendship. For I do not think that friendships are metaphysical nothings, created for contemplation, or that men or women should stare upon each other's faces, and make dialogues of news and prettinesses, and look babies in one another's eyes. Friendship is the allay of our sorrows, the ease of our passions, the discharge of our oppressions, the sanctuary to our calamities, the counsellor of our doubts, the clarity of our minds, the emission of our thoughts, the exercise and improvement of what we meditate. And although I love my friend because he is worthy, yet he is not worthy if he can do no good; I do not speak of accidental hinderances and misfortunes, by which the bravest man may become unable to help his child; but of the natural and artificial capacities of the man. He only is fit to be chosen for a friend, who can do those offices for which friendship is excellent. For (mistake not) no man can be loved for himself; our perfections in this world cannot reach so high; it is well if we would love God at that rate; and I very much fear, that if God did us no good, we might admire his beauties, but we should have but a small proportion of love towards him; and therefore it is, that God, to endear the obedience, that is, the love of his servants, signifies what benefits he gives us, what great good things he does for us. "I am the Lord God that brought thee out of the land of Egypt:" and, "Does Job serve God for nought?" and "he that comes to God, must believe that he is, and that he is a rewarder:" all his other greatnesses are objects of fear and wonder, it is his goodness that makes him lovely: and so it is in friendships. He only is fit to be chosen for a friend who can give counsel, or defend my cause, or guide me right, or relieve my need, or can and will, when I need it, do me good: only this I add: into the heaps of doing good, I will reckon, "loving me," for it is a pleasure to be beloved: but when his love signifies nothing but kissing my cheek, or talking kindly, and can go no further, it is a prostitution of the bravery of friendship to spend it upon impertinent people, who are, it may be, loads to their families, but can never ease my loads: but my friend is a worthy person when he can become to me instead of God, a guide or a support, an eye or a hand, a staff or a rule.

There must be in friendship something to distinguish it from a companion and a countryman from a schoolfellow or a gossip, from a sweetheart or a fellow-traveller: friendship may look in at any one of these doors, but it stays not any where till it come to be the best thing in the world. And when we consider that one man is not better than another, neither towards God nor towards man, but by doing better and braver things; we shall also see, that that which is most beneficent, is also most excellent; and therefore those friendships must needs be most perfect, where the friends can be most useful. For men cannot be useful but by worthinesses in the several instances: a fool cannot be relied upon for counsel, nor a vicious person for the advantages of virtue, nor a beggar for relief, nor a stranger for conduct, nor a tattler to keep a secret, nor a pitiless person trusted with my complaint, nor a covetous man with my child's fortune, nor a false person without a witness, nor a suspicious person with a private design, nor him that I fear with the treasures of my love; but he that is wise and virtuous, rich and at hand, close and merciful, free of his money and tenacious of a secret, open and ingenuous, true and honest, is of himself an excellent man; and therefore fit to be loved; and he can do good to me in all capacities where I can need him, and therefore is fit to be a friend. I confess we are forced in our friendships to abate some of these ingredients; but full measures of friendship would have full measures of worthiness; and according as any defect is in the foundation, in the relation also there may be imperfection: and indeed I shall not blame the friendship so it be worthy, though it be not perfect; not only because friendship is charity, which cannot be perfect here, but because there is not in the world a perfect cause of perfect friendship.

If you can suspect that this discourse can suppose friendship to be mercenary, and to be defective in the greatest worthiness of it, which is to love our friend for our friend's sake, I shall easily be able to defend myself; because I speak of the election and reasons of choosing friends: after he is chosen, do as nobly as you talk, and love as purely as you dream, and let your conversation be as metaphysical as your discourse, and proceed in this method, till you be confuted by experience; yet till then, the case is otherwise when we speak of choosing one to be my friend: he is not my friend till I have chosen him, or loved him; and if any man inquires whom he shall choose, or whom he should love, I suppose it ought not to be answered, that we should love him who hath least amability, that we should choose him who hath least reason to be chosen. But if it be answered, he is to be chosen to be my friend who is most worthy in himself, not he that can do most good to me; I say, here is a distinction but no difference; for he is most worthy in himself, who can do most good; and if he can love me too, that is, if he will do me all the good he can, or that I need, then he is my friend and he deserves

it. And it is impossible from a friend to separate a will to do me good: and therefore I do not choose well, if I choose one that hath not power: for if it may consist with the nobleness of friendship, to desire that my friend be ready to do me benefit or support, it is not sense to say, it is ignoble to desire he should really do it when I need; and if it were not for pleasure or profit, we might as well be without a friend as have him.

Among all the pleasures and profits, the sensual pleasure and the matter of money are the lowest and the least; and therefore although they may sometimes be used in friendship, and so not wholly excluded from the consideration of him that is to choose, yet of all things they are to be the least regarded.

Ἐν τοῖς δὲ δεινοῖς, χρημάτων κρείττων φίλος.

When fortune frowns upon a man,
A friend does more than money can.

For there are, besides these, many profits and many pleasures; and because these only are sordid, all the other are noble and fair, and the expectations of them no disparagements to the best friendships. For can any wise or good man be angry if I say, I choose this man to be my friend because he is able to give me counsel, to restrain my wanderings, to comfort me in my sorrows; he is pleasant to me in private, and useful in public; he will make my joys double, and divide my grief between himself and me? For what else should I choose? For being a fool, and useless? for a pretty face and a smooth chin? I confess it is possible to be a friend to one that is ignorant and pitiable, handsome and good for nothing, that eats well and drinks deep, but he cannot be a friend to me; and I love him with a fondness or a pity, but it cannot be a noble friendship.

Οὐκ ἐκ ποτῶν καὶ τῆς καθ' ἡμέραν τρυφῆς
Ζητοῦμεν ᾧ πιστεύσωμεν τὰ τοῦ βίου,
Πάτερ; οὐ περιττὸν οἵσι τ' ἐξευρηκέναι
Ἀγαθὸν ἕκαστοι, ἐὰν ἔχῃ φίλου σκίαν; said Menander.

By wine and mirth and every day's delight
We choose our friends, to whom, we think, we might
Our souls intrust; but fools are they, that lend
Their bosom to the shadow of a friend.

Εἴδωλα καὶ μιμήματα φιλίας, Plutarch calls such friendships, "the idols and images of friendship." True and brave friendships are between worthy persons; and there is in mankind no degree of worthiness, but is also a degree of usefulness, and by every thing by which a man is excellent, I may be profited: and because those are the bravest friends which can best serve the ends of friendships, either we must suppose that friendships are not the greatest comforts in the world, or else we must say, he chooses his friend best, that chooses such a one by whom he can receive the greatest comforts and assistances.

3. This being the measure of all friendships; they all partake of excellency, according as they are fitted to this measure: a friend may be counselled well enough, though his friend be not the wisest man in the world; and he may be pleased in his society, though he be not the best-natured man in the world; but still it must be, that something excellent is, or is apprehended, or else it can be no worthy friendship; because the choice is imprudent and foolish. Choose for your friend him that is wise and good, and secret and just, ingenuous and honest: and in those things which have a latitude, use your own liberty; but in such things which consist in an indivisible point, make no abatements; that is, you must not choose him to be your friend that is not honest and secret, just and true to a tittle; but if he be wise at all, and useful in any degree, and as good as you can have him, you need not be ashamed to own your own friendships; though sometimes you may be ashamed of some imperfections of your friend.

4. But if you yet inquire further, whether fancy may be an ingredient in your choice? I answer, that fancy may minister to this as to all other actions, in which there is a liberty and variety; and we shall find that there may be peculiarities and little partialities, a friendship improperly so called, entering upon accounts of an innocent passion and a pleased fancy; even our blessed Saviour himself loved St. John and Lazarus by a special love, which was signified by special treatments; and of the young man that spake well and wisely to Christ, it is affirmed, "Jesus loved him," that is, he fancied the man, and his soul had a certain cognation and similitude of temper and inclination. For in all things where there is a latitude, every faculty will endeavour to be pleased, and sometimes the meanest persons in a house have a festival: even sympathies and natural inclinations to some persons, and a conformity of humours and proportionable loves, and the beauty of the face, and a witty answer, may first strike the flint and kindle a spark, which, if it falls upon tender and compliant natures, may grow into a flame; but this will never be maintained at the rate of friendship, unless it be fed by pure materials, by worthinesses which are the food of friendship: where these are not, men and women may be pleased with one another's company, and lie under the same roof, and make themselves companions of equal prosperities, and humour their friend; but if you call this friendship, you give a sacred name to humour or fancy; for there is a Platonic friendship as well as a Platonic love; but they being but the images of more noble bodies, are but like tinsel dressings, which will show bravely by candle-light, and do excellently in a mask, but are not fit for conversation and the material intercourses of our life. These are the prettinesses of prosperity and good-natured wit; but when we speak of friendship, which is the best thing *in* the world, (for it is love and beneficence, it is charity that is fitted for society,) we cannot suppose a brave pile should be built up with nothing: and they that build castles in the air, and look upon friendship as upon a fine romance, a thing that pleases the fancy, but is good for nothing else, will do when they are asleep, or when they are come to Elysium; and for aught I know, in the mean time may be as much in love with Mandana in the Grand Cyrus, as with the infanta of Spain, or any of the most perfect

beauties and real excellencies of the world: and by dreaming of perfect and abstracted friendships, make them so immaterial that they perish in the handling, and become good for nothing.

But I know not whither I was going; I did only mean to say that because friendship is that by which the world is most blessed and receives most good, it ought to be chosen amongst the worthiest persons, that is, amongst those that can do greatest benefit to each other; and though in equal worthiness I may choose by my eye, or ear, that is, into the consideration of the essential I may take in also the accidental and extrinsic worthinesses; yet I ought to give every one their just value; when the internal beauties are equal, these shall help to weigh down the scale, and I will love a worthy friend that can delight me as well as profit me, rather than him who cannot delight me at all, and profit me no more; but yet I will not weigh the gayest flowers, or the wings of butterflies, against wheat; but when I am to choose wheat, I may take that which looks the brightest. I had rather see thyme and roses, marjoram and July flowers, that are fair, and sweet, and medicinal, than the prettiest tulips, that are good for nothing: and my sheep and kine are better servants than race-horses and grey-hounds: and I shall rather furnish my study with Plutarch and Cicero, with Livy and Polybius, than with Cassandra and Ibrahim Bassa: and if I do give an hour to these for divertisement or pleasure, yet I will dwell with them that can instruct me, and make me wise and eloquent, severe and useful to myself and others. I end this with the saying of Lælius in Cicero: "Amicitia non debet consequi utilitatem, sed amicitiam utilitas." When I choose my friend, I will not stay till I have received a kindness; but I will choose such a one that can do me many if I need them: but I mean such kindnesses which make me wiser, and which make me better; that is, I will, when I choose my friend, choose him that is the bravest, the worthiest, and the most excellent person: and then your first question is soon answered; To love such a person and to contract such friendships, is just so authorized by the principles of christianity, as it is warranted to love wisdom and virtue, goodness and beneficence, and all the impresses of God upon the spirits of brave men.

2. The next inquiry is, how far it may extend? that is, by what expressions it may be signified? I find that David and Jonathan loved at a strange rate; they were both good men; though it happened that Jonathan was on the obliging side: but here the expressions were, Jonathan watched for David's good; told him of his danger, and helped him to escape; took part with David's innocence against his father's malice and injustice; and beyond all this, did it to his own prejudice; and they two stood like two feet supporting one body: though Jonathan knew that David would prove like the foot of a wrestler, and would supplant him, not by any unworthy or unfriendly action, but it was from God; and he gave him his hand to set him upon his own throne.

We find his parallels in the gentile stories: young Athenodorus having divided the estate with his brother Xenon, divided it again when Xenon had spent his own share; and Lucullus would not take the consulship till his younger brother had first enjoyed it for a year; but Pollux divided with Castor his immortality; and you know who offered himself to death being pledge for his friend, and his friend by performing his word rescued him as bravely. And when we find in Scripture that "for a good man some will even dare to die;" and that Aquila and Priscilla laid their necks down for St. Paul; and the Galatians "would have given him their very eyes," that is, every thing that was most dear to them; and some others were near unto death for his sake; and that it is a precept of christian charity, "to lay down our lives for our brethren," that is, those who were combined in a cause of religion, who were united with the same hopes, and imparted to each other ready assistances, and grew dear by common sufferings; we need inquire no further for the expressions of friendships. "Greater love than this hath no man, than that he lay down his life for his friends;" and this we are obliged to do in some cases for all christians; and therefore we may do it for those who are to us, in this present and imperfect state of things, that which all the good men and women in the world shall be in heaven, that is, in the state of perfect friendships. This is the biggest; but then it includes and can suppose all the rest; and if this may be done for all, and in some cases must for any one of the multitude, we need not scruple whether we may do it for those who are better than a multitude. But as for the thing itself, it is not easily and lightly to be done; and a man must not die for humour, nor expend so great a jewel for a trifle: Μόλις ἀνεπνεύσαμεν, εἰδότες ἐπ' οὐδενὶ λυσιτελεῖ παρανάλωμα γενησόμενοι, said Philo; we will hardly die when it is for nothing, when no good, no worthy end, is served, and become a sacrifice to redeem a foot-boy. But we may not give our life to redeem another, unless, 1. The party for whom we die be a worthy and a useful person; better for the public, or better for religion, and more useful to others than myself. Thus Ribischius the German died bravely, when he became a sacrifice for his master, Maurice duke of Saxony; covering his master's body with his own, that he might escape the fury of the Turkish soldiers. "Succurram perituro, sed ut ipse non peream, nisi si futurus ero magni hominis, aut magnæ rei merces," said Seneca: "I will help a dying person if I can; but I will not die myself for him, unless by my death I save a brave man, or become the price of a great thing;" that is, I will die for a prince, for the republic, or to save an army, as David exposed himself to combat with the Philistine for the redemption of the host of Israel: and in this sense, that is true, "Præstat ut pereat unus quàm unitas," "Better that one perish than a multitude." 2. A man dies bravely when he gives his temporal life to save the soul of any single person in the christian world. It is a worthy exchange, and the glorification of that

love by which Christ gave his life for every soul. Thus he that reproves an erring prince wisely and necessarily, he that affirms a fundamental truth, or stands up for the glory of the Divine attributes, though he die for it, becomes a worthy sacrifice. 3. These are duty, but it may be heroic and full of christian bravery, to give my life to rescue a noble and a brave friend, though I myself be as worthy a man as he; because the preference of him is an act of humility in me, and of friendship towards him; humility and charity making a pious difference, where art and nature have made all equal.

Some have fancied other measures of treating our friends. One sort of men say that we are to expect that our friends should value us as we value ourselves: which, if it were to be admitted, will require that we make no friendships with a proud man; and so far indeed were well; but then this proportion does exclude some humble men who are most to be valued, and the rather because they undervalue themselves.

Others say, that a friend is to value his friend as much as his friend values him; but neither is this well or safe, wise or sufficient; for it makes friendship a mere bargain, and is something like the country weddings in some places where I have been; where the bridegroom and the bride must meet in the half way, and if they fail a step, they retire and break the match: it is not good to make a reckoning in friendship; that is merchandise, or it may be gratitude, but not noble friendship; in which each part strives to outdo the other in significations of an excellent love: and amongst true friends there is no fear of losing any thing.

But that which amongst the old philosophers comes nearest to the right, is that we love our friends as we love ourselves. If they had meant it as our blessed Saviour did, of that general friendship by which we are to love all mankind, it had been perfect and well; or if they had meant it of the inward affection, or of outward justice; but because they meant it of the most excellent friendships, and of the outward significations of it, it cannot be sufficient: for a friend may and must sometimes do more for his friend than he would do for himself. Some men will perish before they will beg or petition for themselves to some certain persons; but they account it noble to do it for their friend, and they will want rather than their friend shall want; and they will be more earnest in praise or dispraise respectively for their friend than for themselves. And indeed I account that one of the greatest demonstrations of real friendship is, that a friend can really endeavour to have his friend advanced in honour, in reputation, in the opinion of wit or learning, before himself.

> Aurum et opes, et rura frequens donabit amicus:
> Qui velit ingenio cedere, rarus erit.
> Sed tibi tantus inest veteris respectus amici,
> Carior ut mea sit quàm tua fama tibi.[a]
>
> Lands, gold, and trifles, many give or lend,
> But he that stoops in fame, is a rare friend;
> In friendship's orb thou art the brightest star,
> Before thy fame mine thou preferrest far.

[a] Martial. lib. 8. ep. 18.

But then be pleased to think that therefore I so highly value this signification of friendship, because I so highly value humility. Humility and charity are the two greatest graces in the world; and these are the greatest ingredients which constitute friendship and express it.

But there needs no other measures of friendship, but that it may be as great as you can express it; beyond death it cannot go, to death it may, when the cause is reasonable and just, charitable and religious: and yet if there be any thing greater than to suffer death, (and pain and shame to some are more insufferable,) a true and noble friendship shrinks not at the greatest trials.

And yet there is a limit even to friendship. It must be as great as our friend fairly needs in all things where we are not tied up by a former duty, to God, to ourselves, or some pre-obliging relative. When Pollux heard somebody whisper a reproach against his brother Castor, he killed the slanderer with his fist: that was a zeal which his friendship could not warrant. "Nulla est excusatio, si amici causâ peccaveris," said Cicero;[a] "No friendship can excuse a sin:" and this the braver Romans instanced in the matter of duty to their country. It is not lawful to fight on our friend's part against our prince or country; and therefore[b] when Caius Blosius of Cuma, in the sedition of Gracchus, appeared against his country, when he was taken he answered, that he loved Tiberius Gracchus so dearly, that he thought fit to follow him whithersoever he led; and begged pardon upon that account: they who were his judges, were so noble, that though they knew it no fair excuse, yet for the honour of friendship they did not directly reject his motion; but put him to death because he did not follow, but led on Gracchus, and brought his friend into the snare: for so they preserved the honours of friendship on either hand, by neither suffering it to be sullied by a foul excuse, nor yet rejected in any fair pretence. A man may not be perjured for his friend. I remember to have read, in the history of the Low Countries, that Grimston and Redhead, when Bergen-op-Zoom was besieged by the Duke of Parma, acted for the interest of the Queen of England's forces a notable design; but being suspected and put for their acquittance to take the sacrament of the altar, they dissembled their persons and their interest, their design and their religion, and did for the Queen's service (as one wittily wrote to her) give not only their bodies but their souls, and so deserved a reward greater than she could pay them: I cannot say this is a thing greater than a friendship can require, for it is not great at all, but a great villany, which hath no name, and no order in worthy intercourses; and no obligation to a friend can reach as high as our duty to God: and he that does a base thing in zeal for his friend, burns the golden thread that ties their hearts together; it is a conspiracy, but no longer friendship. And when Cato lent his wife to Hortensius, and Socrates lent his to a merry Greek, they could not amongst wise persons obtain so much as the fame of being worthy friends;

[b] Val. Max.

neither could these great names legitimate an unworthy action under the most plausible title.

It is certain that amongst friends their estates are common; that is, by whatsoever I can rescue my friend from calamity, I am to serve him, or not to call him friend; there is a great latitude in this, and it is to be restrained by no prudence, but when there is on the other side a great necessity neither vicious nor avoidable: a man may choose whether he will or no; and he does not sin in not doing it, unless he have bound himself to it: but certainly friendship is the greatest band in the world, and if we have professed a great friendship, he hath a very great obligation to do that and more; and he can no ways be disobliged but by the care of his natural relations.

I said, "friendship is the greatest band in the world;" and I had reason for it, for it is all the bands that this world hath; and there is no society, and there is no relation, that is worthy, but it is made so by the communications of friendship, and by partaking some of its excellencies. For friendship is a transcendent, and signifies as much as unity can mean; and every consent, and every pleasure, and every benefit, and every society, is the mother or the daughter of friendship. Some friendships are made by nature, some by contract, some by interest, and some by souls. And in proportion to these ways of uniting, so the friendships are greater or less, virtuous or natural, profitable or holy, or all this together. Nature makes excellent friendships, of which we observe something in social plants, growing better in each other's neighbourhood than where they stand singly: and in animals it is more notorious, whose friendships extend so far as to herd and dwell together, to play and feed, to defend and fight for one another, and to cry in absence, and to rejoice in one another's presence. But these friendships have other names less noble; they are sympathy, or they are instinct. But if to this natural friendship there be reason superadded, something will come in upon the stock of reason which will ennoble it; but because no rivers can rise higher than fountains, reason shall draw out all the dispositions which are in nature and establish them into friendships, but they cannot surmount the communications of nature: nature can make no friendships greater than her own excellencies. Nature is the way of contracting necessary friendships; that is, by nature such friendships are contracted, without which we cannot live, and be educated, or be well, or be at all.

In this scene, that of parents and children is the greatest, which indeed is begun in nature, but is actuated by society and mutual endearments. For parents love their children because they love themselves. Children being but like emissions of water, symbolical or indeed the same with the fountain; and they in their posterity see the images and instruments of a civil immortality: but if parents and children do not live together, we see their friendships and their loves are much abated, and supported only by fame and duty, by customs and religion, which to nature are but artificial pillars, and make this friendship to be complicated, and to pass from its own kind to another. That of children to their parents is not properly friendship, but gratitude, and interest, and religion; and whatever can supervene of the nature of friendship, comes in upon another account; upon society and worthiness and choice.

This relation on either hand makes great dearnesses: but it hath special and proper significations of it, and there is a special duty incumbent on each other respectively. This friendship and social relation are not equal, and there is too much authority on one side, and too much fear on the other, to make equal friendships; and therefore, although this is one of the kinds of friendship, that is of a social and relative love and conversation; yet in the more proper use of the word, friendship does do some things which father and son do not; I instance in the free and open communicating counsels, and the evenness and pleasantness of conversation: and consequently the significations of the paternal and filial love, as they are divers in themselves and unequal, and therefore another kind of friendship than we mean in our inquiry; so they are such a duty which no other friendship can annul; because their mutual duty is bound upon them by religion long before any other friendships can be contracted; and therefore having first possession must abide for ever. The duty and love to parents must not yield to religion, much less to any new friendships; and our parents are to be preferred before the "corban," and are at no hand to be laid aside but when they engage against God: that is, in the rights which this relation and kind of friendship challenges as its propriety, it is supreme, and cannot give place to any other friendships; till the father gives his right away, and God or the laws consent to it; as in the case of marriage, emancipation, and adoption to another family; in which cases, though love and gratitude are still obliging, yet the societies and duties of relation are very much altered, which in the proper and best friendships can never be at all. But then this also is true, that the social relations of parents and children, not having in them all the capacities of a proper friendship, cannot challenge all the significations of it; that is, it is no prejudice to the duty I owe there, to pay all the dearnesses which are due here, and to friends there are some things due which the other cannot challenge, I mean my secret and my equal conversation, and the pleasures and interests of these, and the consequents of all.

Next to this is the society and dearness of brothers and sisters: which usually is very great amongst worthy persons; but if it be considered what it is in itself, it is but very little; there is very often a likeness of natural temper, and there is a social life under the same roof, and they are commanded to love one another, and they are equals in many instances, and are endeared by conversation when it is merry and pleasant, innocent and simple, without art and without design. But brothers pass not into noble friendships upon the stock of that relation: they have fair dispositions and advantages, and are

more easy and ready to ferment into the greatest dearnesses, if all things else be answerable. Nature disposes them well towards it; but in this inquiry if we ask what duty is passed upon a brother to a brother even for being so,—I answer, that religion and our parents, and God and the laws, appoint what measures they please; but nature passes but very little, and friendship less; and this we see apparently in those brothers who live asunder, and contract new relations, and dwell in other societies. There is no love, no friendship without the intercourse of conversation; friendships indeed may last longer than our abode together, but they were first contracted by it, and established by pleasure and benefit; and unless it be the best kind of friendship, (which that of brothers in that mere capacity is not,) it dies when it wants the proper nutriment and support; and to this purpose is that which was spoken by Solomon;[c] "Better is a neighbour that is near, than a brother that is far off;" that is, although ordinarily brothers are first possessed of the entries and fancies of friendship, because they are of the first societies and conversations; yet when that ceases and the brother goes away, so that he does no advantage, no benefit of intercourse; the neighbour that dwells by me, with whom if I converse at all, either he is my enemy, and does and receives evil; or if we converse in worthinesses and benefit and pleasant communication, he is better in the laws and measures of friendship than my distant brother. And it is observable that "brother" is indeed a word of friendship and charity and of mutual endearment, and so is a title of the bravest society; yet in all the Scripture, there are no precepts given of any duty and comport, which brothers, that is, the descendants of the same parents, are to have one towards another in that capacity; and it is not because their nearness is such that they need none: for parents and children are nearer, and yet need tables of duty to be described; and for brothers, certainly they need it infinitely if there be any peculiar duty; Cain and Abel are the great probation of that, and you know who said,

> Fratrum quoque gratia rara est:
> It is not often you shall see
> Two brothers live in amity.

But the scripture, which often describes the duty of parents and children, never describes the duty of brothers; except where by brethren are meant all that part of mankind, who are tied to us by any vicinity and endearment of religion or country, of profession and family, of contract or society, of love and the noblest friendships; the meaning is, that though fraternity alone be the endearment of some degrees of friendship, without choice and without excellency; yet the relation itself is not friendship, and does not naturally infer it: and that which is procured by it, is but limited and little; and though it may pass into it, as other conversations may, yet the friendship is accidental to it, and enters upon other accounts, as it does between strangers; with this only difference, that brotherhood does oftentimes assist the valuation of those excellencies, for which we entertain our friendships. Fraternity is the opportunity and preliminary disposition to friendship, and no more. For if my brother be a fool or a vicious person, the love to which nature and our first conversation dispose me, does not end in friendship, but in pity and fair provisions and assistances; which is a demonstration that brotherhood is but the inclination and address to friendship. And though I will love a worthy brother more than a worthy stranger, if the worthiness be equal, because the relation is something, and being put into the scales against an equal worthiness, must needs turn the balance, as every grain will do in an even weight; yet when the relation is all the worthiness that is pretended, it cannot stand in competition with a friend: for though a friend-brother is better than a friend-stranger, where the friend is equal, but the brother is not; yet a brother is not better than a friend: but, as Solomon's expression is, "There is a friend that is better than a brother;" and to be born of the same parents is so accidental and extrinsic to a man's pleasure, or worthiness, or spiritual advantages, that though it be very pleasing and useful that a brother should be a friend, yet it is no great addition to a friend that he also is a brother: there is something in it, but not much. But in short, the case is thus: the first beginnings of friendship serve the necessities; but choice and worthiness are the excellencies of its endearment and its bravery; and between a brother that is no friend, and a friend that is no brother, there is the same difference as between the disposition and the act or habit: a brother, if he be worthy, is the readiest and the nearest to be a friend; but till he be so, he is but the twilight of the day, and but the blossom to the fairest fruit of Paradise. A brother does not always make a friend, but a friend ever makes a brother and more: and although nature sometimes finds the tree, yet friendship engraves the image; the first relation places him in the garden, but friendship sets it in the temple, and then only it is venerable and sacred: and so is brotherhood when it hath the soul of friendship.

So that if it be asked which are most to be valued, brothers or friends; the answer is very easy, brotherhood is or may be one of the kinds of friendship, and from thence only hath its value, and therefore if it be compared with a greater friendship must give place: but then it is not to be asked which is to be preferred, a brother or a friend, but which is the better friend, Memnon or my brother? For if my brother says I ought to love him best, then he ought to love me best;[d] if he does, then there is a great friendship, and he possibly is to be preferred, if he can be that friend which he pretends to be, that is, if he be equally worthy; but if he says, I must love him only because he is my brother, whether he loves me or no, he is ridiculous; and it will be a strange relation which hath no correspondent; but suppose it, and add this also, that I am equally his brother as he is mine, and

[c] Prov. xxvii. 10.

[d] Ut præstem Pyladen, aliquis mihi præstet Oresten. Hoc non fit verbis; Marce, ut ameris, ama. Mart. lib. 6. ep. 11.

then he also must love me whether I love him or no; and if he does not, he says, I must love him though he be my enemy; and I must; but I must not love my enemy, though he be my brother, more than I love my friend; and at last if he does love me for being his brother, I confess that this love deserves love again: but then I consider, that he loves me upon an incompetent reason: for he that loves me only because I am his brother, loves me for that which is no worthiness; and I must love him as much as that comes to, and for as little reason; unless this be added, that he loves me first: but whether choice and union of souls, and worthiness of manners, and greatness of understanding, and usefulness of conversation, and the benefits of counsel, and all those endearments which make our lives pleasant and our persons dear, are not better and greater reasons of love and dearness than to be born of the same flesh, I think, amongst wise persons needs no great inquiry. For fraternity is but a cognation of bodies, but friendship is a union of souls, which are confederated by more noble ligatures. My brother, if he be no more, shall have my hand to help him; but unless he be my friend too he cannot challenge my heart: and if his being my friend be the greater nearness, then friend is more than brother, and I suppose no man doubts but that David loved Jonathan far more than he loved his brother Eliab.

One inquiry more there may be in this affair, and that is, whether a friend may be more than a husband or wife; to which I answer, that it can never be reasonable or just, prudent or lawful: but the reason is, because marriage is the queen of friendships, in which there is a communication of all that can be communicated by friendship: and it being made sacred by vows and love, by bodies and souls, by interest and custom, by religion and by laws, by common counsels and common fortunes; it is the principal in the kind of friendship, and the measure of all the rest: and there is no abatement to this consideration, but that there may be some allay in this as in other lesser friendships by the incapacity of the persons: if I have not chosen my friend wisely or fortunately, he cannot be the correlative in the best union; but then the friend lives as the soul does after death, it is in the state of separation, in which the soul strangely loves the body and longs to be reunited, but the body is a useless trunk, and can do no ministries to the soul; which therefore prays to have the body reformed and restored, and made a brave and a fit companion: so must these best friends, when one is useless or unapt to the braveries of the princely friendship, they must love ever, and pray ever, and long till the other be perfected and made fit; in this case there wants only the body, but the soul is still a relative, and must be so for ever.

A husband and a wife are the best friends, but they cannot always signify all that to each other which their friendships would; as the sun shines not upon a valley, which sends up a thick vapour to cover his face; and though his beams are eternal, yet the emission is intercepted by the intervening cloud. But however, all friendships are but parts of this; "a man must leave father and mother and cleave to his wife;" that is, "the dearest thing in nature is not comparable to the dearest thing of friendship:" and I think this is argument sufficient to prove friendship to be the greatest band in the world: add to this, that other friendships are part of this, they are marriages too; less indeed than the other, because they cannot, must not be all that endearment which the other is; yet that, being the principal, is the measure of the rest, and are all to be honoured by like dignities, and measured by the same rules, and conducted by their portion of the same laws. But as friendships are marriages of the soul, and of fortunes, and interests, and counsels; so they are brotherhoods too; and I often think of the excellencies of friendships in the words of David, who certainly was the best friend in the world; "Ecce quàm bonum et quàm jucundum fratres habitare in unum:" "It is good and it is pleasant, that brethren should live like friends;" that is, they who are any ways relative, and who are any ways social and confederate, should also dwell in unity and loving society; for that is the meaning of the word brother in Scripture; "It was my brother Jonathan," said David: such brothers contracting such friendships are the beauties of society, and the pleasure of life, and the festivity of minds; and whatsoever can be spoken of love, which is God's eldest daughter, can be said of virtuous friendships; and though Carneades made an eloquent oration at Rome against justice, yet I never saw a panegyric of malice, or ever read that any man was witty against friendship. Indeed it is probable that some men, finding themselves, by the peculiarities of friendship, excluded from the participation of those beauties of society which enamel and adorn the wise and the virtuous, might suppose themselves to have reason to speak the evil words of envy and detraction: I wonder not; for all those unhappy souls which shall find heaven's gates shut against them, will think they have reason to murmur and blaspheme: the similitude is apt enough, for that is the region of friendship, and love is the light of that glorious country, but so bright that it needs no sun: here we have fine and bright rays of that celestial flame, and though to all mankind the light of it is in some measure to be extended,—like the treasures of light dwelling in the south, yet, a little, do illustrate and beautify the north,—yet some live under the line, and the beams of friendship in that position are imminent and perpendicular.

I know but one thing more in which the communications of friendship can be restrained; and that is, in friends and enemies: "Amicus amici, amicus meus non est:" My friend's friend is not always my friend;" nor his enemy mine; for if my friend quarrel with a third person with whom he hath had no friendships, upon the account of interest; if that third person be my friend, the nobleness of our friendships despises such a quarrel; and what may be reasonable in him, would be ignoble in me: sometimes it may be otherwise, and friends may marry one another's loves and hatreds, but it is by chance, if it can be just; and therefore be-

cause it is not always right, it cannot be ever necessary.

In all things else let friendships be as high and expressive till they become a union, or that friends, like the Molionidæ, be so the same that the flames of their dead bodies make but one pyramis; no charity can be reproved, and such friendships which are more than shadows, are nothing else but the rays of that glorious grace drawn into one centre, and made more active by the union; and the proper significations are well represented in the old hieroglyphic, by which the ancients depicted friendship; "In the beauties and strength of a young man, bare-headed, rudely clothed, to signify its activity, and lastingness, readiness of action, and aptnesses to do service: upon the fringes of his garment was written 'Mors et vita,' as signifying that in life and death the friendship was the same: on the forehead was written 'Summer and winter,' that is, prosperous and adverse accidents and states of life: the left arm and shoulder were bare and naked down to the heart,—to which the finger pointed, and there was written 'Longè et propè;'" by all which we know that friendship does good far and near, in summer and winter, in life and death, and knows no difference of state or accident, but by the variety of her services: and therefore ask no more to what we can be obliged by friendship; for it is every thing that can be honest and prudent, useful and necessary.

For this is all the allay of this universality, we may do any thing or suffer any thing that is wise or necessary, or greatly beneficial to my friend; and that in any thing, in which I am perfect master of my person and fortunes. But I would not in bravery visit my friend when he is sick of the plague, unless I can do him good equal at least to my danger; but I will procure him physicians and prayers, all the assistances that he can receive, and that he can desire, if they be in my power: and when he is dead, I will not run into his grave and be stifled with his earth; but I will mourn for him, and perform his will, and take care of his relatives, and do for him as if he were alive; and I think that is the meaning of that hard saying of a Greek poet:

> Ἄνθρωπ', ἀλλήλοισιν ἀπόπροθεν ὦμεν ἑταῖροι.
> Πλὴν τούτου, παντὸς χρήματός ἐστι κόρος.
>
> To me, though distant, let thy friendship fly;
> Though men be mortal, friendships must not die:
> Of all things else there's great satiety.

Of such immortal, abstracted, pure friendships indeed there is no great plenty, and to see brothers hate each other is not so rare as to see them love at this rate. The dead and the absent have but few friends, say the Spaniards; but they who are the same to their friend ἀπόπροθεν, when he is in another country, or in another world, these are they who are fit to preserve the sacred fire for eternal sacrifices, and to perpetuate the memory of those exemplar friendships of the best men, which have filled the world with history and wonder: for in no other sense but this can it be true that friendships are pure loves, regarding to do good more than to receive it. He that is a friend after death, hopes not for a recompence from his friend, and makes no bargain either for fame or love; but is rewarded with the conscience and satisfaction of doing bravely; but then this is demonstration that they choose friends best, who take persons so worthy that can and will do so. This is the profit and usefulness of friendship; and he that contracts such a noble union, must take care that his friend be such who can and will; but hopes that himself shall be first used, and put to act it. I will not have such a friendship that is good for nothing, but I hope that I shall be on the giving and assisting part: and yet if both the friends be so noble, and hope and strive to do the benefit, I cannot well say which ought to yield; and whether that friendship were braver that could be content to be unprosperous, so his friend might have the glory of assisting him, or that which desires to give assistances in the greatest measures of friendship: but he that chooses a worthy friend that himself in the days of sorrow and need might receive the advantage, hath no excuse, no pardon, unless himself be as certain to do assistances, when evil fortune shall require them:—the sum of this answer to this inquiry I give you in a pair of Greek verses.

> Ἴσον θεῷ σὺ τοὺς φίλους τιμᾶν θέλε·
> Ἐν τοῖς κακοῖς δὲ τοὺς φίλους εὐεργέτει.
>
> Friends are to friends as lesser gods, while they
> Honour and service to each other pay.
> But when a dark cloud comes, grudge not to lend
> Thy head, thy heart, thy fortune, to thy friend.

3. The last inquiry is, how friendships are to be conducted; that is, what are the duties in presence and in absence; whether the friend may not desire to enjoy his friend as well as his friendship? The answer to which in a great measure depends upon what I have said already: and if friendship be a charity in society, and is not for contemplation and noise, but for material comforts and noble treatments and usages, this is no peradventure, but that if I buy land, I may eat the fruits, and if I take a house, I may dwell in it; and if I love a worthy person, I may please myself in his society: and in this there is no exception, unless the friendship be between persons of a different sex; for then not only the interest of their religion, and the care of their honour, but the worthiness of their friendship, require that their intercourse be prudent, and free from suspicion and reproach. And if a friend is obliged to bear a calamity, so he secure the honour of his friend; it will concern him to conduct his intercourse in the lines of a virtuous prudence, so that he shall rather lose much of his own comfort, than she any thing of her honour; and in this case the noises of people are so to be regarded, that next to innocence they are the principal. But when, by caution and prudence and severe conduct, a friend hath done all that he or she can to secure fame and honourable reports; after this, their noises are to be despised; they must not fright us from our friendships, nor from her fairest intercourses; I

may lawfully pluck the clusters from my own vine, though he that walks by calls me thief.

But by the way, Madam, you may see how much I differ from the morosity of those cynics, who would not admit your sex into the communities of a noble friendship. I believe some wives have been the best friends in the world; and few stories can outdo the nobleness and piety of that lady, that sucked the poisonous, purulent matter from the wound of our brave prince in the Holy Land, when an assassin had pierced him with a venomed arrow. And if it be told that women cannot retain counsel, and therefore can be no brave friends; I can best confute them by the story of Porcia, who, being fearful of the weakness of her sex, stabbed herself into the thigh to try how she could bear pain; and finding herself constant enough to that sufferance, gently chid her Brutus for not daring to trust her, since now she perceived that no torment could wrest that secret from her, which she hoped might be intrusted to her. If there were not more things to be said for your satisfaction, I could have made it disputable whether have been more illustrious in their friendships, men or women? I cannot say that women are capable of all those excellencies, by which men can oblige the world; and therefore a female friend in some cases is not so good a counsellor as a wise man, and cannot so well defend my honour; nor dispose of reliefs and assistances, if she be under the power of another; but a woman can love as passionately, and converse as pleasantly, and retain a secret as faithfully, and be useful in her proper ministries; and she can die for her friend as well as the bravest Roman knight; and we find that some persons have engaged themselves as far as death upon a less interest than all this amounts to: such were the Εὐχωλιμαῖοι, as the Greeks call them; the "Devoti" of a prince or general; the Assassins amongst the Saracens; the Σολιδούνοι amongst the old Galatians: they did as much as a friend could do. And if the greatest services of a friend can be paid for by an ignoble price, we cannot grudge to virtuous and brave women that they be partners in a noble friendship, since their conversation and returns can add so many moments to the felicity of our lives: and therefore though a knife cannot enter as far as a sword, yet a knife may be more useful to some purposes, and in every thing, except it be against an enemy. A man is the best friend in trouble, but a woman may be equal to him in the days of joy: a woman can as well increase our comforts, but cannot so well lessen our sorrows; and therefore we do not carry women with us when we go to fight; but, in peaceful cities and times, virtuous women are the beauties of society and the prettinesses of friendship. And when we consider that few persons in the world have all those excellencies, by which friendship can be useful and illustrious, we may as well allow women as men to be friends; since they can have all that which can be necessary and essential to friendships, and these cannot have all by which friendships can be accidentally improved; in all, some abatements will be made; and we shall do too much honour to women if we reject them from friendships because they are not perfect: for if to friendships we admit imperfect men, because no man is perfect; he that rejects women, does find fault with them because they are not more perfect than men; which either does secretly affirm that they ought and can be perfect, or else it openly accuses men of injustice and partiality.

I hope you will pardon me that I am a little gone from my undertaking: I went aside to wait upon the women, and to do countenance to their tender virtues: I am now returned, and, if I were to do the office of a guide to uninstructed friends, would add the particulars following. Madam, you need not read them now, but when any friends come to be taught by your precept and example how to converse in the noblest conjurations, you may put these into better words and tell them,

1. That the first law of friendship is, they must neither ask of their friend what is indecent, nor grant it if themselves be asked. For it is no good office to make my friend more vicious or more a fool; I will restrain his folly, but not nurse it; I will not make my groom the officer of my lust and vanity. There are villains who sell their souls for bread, that offer sin and vanity at a price: I should be unwilling my friend should know I am vicious; but if he could be brought to minister to it, he is not worthy to be my friend: and if I could offer it to him, I do not deserve to clasp hands with a virtuous person.

2. Let no man choose him for his friend whom it shall be possible for him ever after to hate; for though the society may justly be interrupted, yet love is an immortal thing, and I will never despise him whom I could once think worthy of my love. A friend that proves not good, is rather to be suffered, than any enmities be entertained: and there are some outer offices of friendship and little drudgeries, in which the less worthy are to be employed, and it is better that he be below-stairs than quite thrown out of doors.

3. There are two things which a friend can never pardon, a treacherous blow and the revealing of a secret, because these are against the nature of friendship; they are the adulteries of it, and dissolve the union; and in the matters of friendship, which is the marriage of souls, these are the proper causes of divorce: and therefore I shall add this only, that secrecy is the chastity of friendship, and the publication of it is a prostitution and direct debauchery; but a secret, treacherous wound is a perfect and unpardonable apostasy. I remember a pretty apologue that Bromiard tells,—A fowler in a sharp frosty morning having taken many little birds for which he had long watched, began to take up his nets; and nipping the birds on the head laid them down. A young thrush, espying the tears trickling down his cheeks by reason of the extreme cold, said to her mother, that certainly the man was very merciful and compassionate that wept so bitterly over the calamity of the poor birds: but her mother told her more wisely, that she might better judge of the man's disposition by his hand than by

his eye;—and if the hands do strike treacherously, he can never be admitted to friendship, who speaks fairly and weeps pitifully. Friendship is the greatest honesty and ingenuity in the world.

4. Never accuse thy friend, nor believe him that does; if thou dost, thou hast broken the skin: but he that is angry with every little fault, breaks the bones of friendship. And when we consider that in society and the accidents of every day, in which no man is constantly pleased or displeased with the same things, we shall find reason to impute the change unto ourselves; and the emanations of the sun are still glorious, when our eyes are sore: and we have no reason to be angry with an eternal light, because we have a changeable and a mortal faculty. But however, do not think thou didst contract alliance with an angel, when thou didst take thy friend into thy bosom; he may be weak as well as thou art, and thou mayest need pardon as well as he; and that man loves flattery more than friendship, who would not only have his friend, but all the contingencies of his friend, to humour him.

Μήποτ' ἐπὶ σμικρᾷ προφάσει φίλον ἀνδρ' ἀπολέσσῃς,
Πειθόμενος χαλεπῇ, Κύρνε, διαξολίῃ.
Εἴτις ἁμαρτωλῆσι φίλων ἐπὶ πάντι χολῶτο,
Οὔποτ' ἂν ἀλλήλοις ἄρθμιοι, οὔτε φίλοι. THEOG.

5. Give thy friend counsel wisely and charitably, but leave him to his liberty whether he will follow thee or no: and be not angry if thy counsel be rejected: for advice is no empire, and he is not my friend that will be my judge whether I will or no. Neoptolemus had never been honoured with the victory and spoils of Troy, if he had attended to the tears and counsel of Lycomedes, who being afraid to venture the young man, fain would have had him sleep at home safe in his little island. He that gives advice to his friend and exacts obedience to it, does not the kindness and ingenuity of a friend, but the office and pertness of a schoolmaster.

6. Never be a judge between thy friends in any matter where both set their hearts upon the victory: if strangers or enemies be litigants, whatever side thou favourest, thou gettest a friend; but when friends are the parties thou losest one.

7. Never comport thyself so, as that thy friend can be afraid of thee: for then the state of the relation alters when a new and troublesome passion supervenes. "Oderunt quos metuunt."—"Perfect love casteth out fear;" and no man is friend to a tyrant; but that friendship is tyranny where the love is changed into fear, equality into empire, society into obedience; for then all my kindness to him also will be no better than flattery.

8. When you admonish your friend, let it be without bitterness; when you chide him, let it be without reproach; when you praise him, let it be with worthy purposes, and for just causes, and in friendly measures; too much of that is flattery, too little is envy: if you do it justly, you teach him true measures; but when others praise him, rejoice, though they praise not thee, and remember that if thou esteemest his praise to be thy disparagement, thou art envious, but neither just nor kind.

9. When all things else are equal, prefer an old friend before a new. If thou meanest to spend thy friend, and make gain of him till he weary, thou wilt esteem him as a beast of burden, the worse for his age: but if thou esteemest him by noble measures, he will be better to thee by thy being used to him, by trial and experience, by reciprocation of endearments, and an habitual worthiness. An old friend is like old wine, which when a man hath drunk, he doth not desire new, because he saith "the old is the better." But every old friend was new once; and if he be worthy, keep the new one till he become old.

10. After all this, treat thy friend nobly, love to be with him, do to him all the worthinesses of love and fair endearment, according to thy capacity and his; bear with his infirmities till they approach towards being criminal; but never dissemble with him, never despise him, never leave him. [e] Give him gifts and upbraid him not,[f] and refuse not his kindnesses, and be sure never to despise the smallness or the impropriety of them. "Confirmatur amor beneficio accepto:" "A gift (saith Solomon) fasteneth friendships." For as an eye that dwells long upon a star, must be refreshed with lesser beauties and strengthened with greens and looking-glasses, lest the sight become amazed with too great a splendour; so must the love of friends sometimes be refreshed with material and low caresses; lest by striving to be too Divine it become less human: it must be allowed its share of both: it is human in giving pardon and fair construction, and openness and ingenuity, and keeping secrets; it hath something that is Divine, because it is beneficent; but much because it is eternal.

POSTSCRIPT.

MADAM,

IF you shall think it fit that these papers pass further than your own eye and closet, I desire they may be consigned into the hands of my worthy friend Dr. Wedderburne: for I do not only expose all my sickness to his cure, but I submit my weaknesses to his censure; being as confident to find of him charity for what is pardonable, as remedy for what is curable: but indeed, Madam, I look upon that worthy man as an idea of friendship; and if I had no other notices of friendship or conversation to instruct me than his, it were sufficient: for whatsoever I can say of friendship, I can say of his; and as all that know him reckon him amongst the best physicians, so I know him worthy to be reckoned amongst the best friends.

[e] Extra fortunam est, quicquid donatur amicis;
Quas dederis, solas semper habebis opes.
MART. lib. 5. ep. 43.
Est tamen hoc vitium, sed non leve, sit licèt unum,
Quòd colit ingratas pauper amicitias.
Quis largitur opes veteri, fidóque sodali?—Ep. 19.

[f] Non bellè quædam faciunt duo: sufficit unus
Huic operi: si vis ut loquar, ipse tace.
Crede mihi, quamvis ingentia, Postume, dones,
Auctoris pereunt garrulitate sui.—Ep. 53.

DUCTOR DUBITANTIUM:

OR,

THE RULE OF CONSCIENCE

IN ALL HER GENERAL MEASURES;

SERVING AS A GREAT INSTRUMENT FOR THE DETERMINATION OF CASES OF CONSCIENCE.

IN FOUR BOOKS.

Σοφία πανούργων ἐπιγνώσεται τὰς ὁδοὺς αὐτῶν· ἄνοια δὲ ἀφρόνων ἐν πλάνῃ. Prov. xiv. 8.

TO THE MOST SACRED MAJESTY OF

CHARLES II.

KING OF GREAT BRITAIN, FRANCE, AND IRELAND, DEFENDER OF THE FAITH, &c.

GREAT SIR,

THE circles of the Divine Providence turn themselves upon the affairs of the world so, that every spondyl of the wheels may mark out those virtues which we are then to exercise; and every new event in the economy of God, is God's finger to point out to us by what instances he will be served. We have been sorely smitten and for a long time; for, (that I may use the words of the prophet,) "Alas! for that day was great, so that none was like to it, it was even the time of Jacob's trouble;"[a] and then, faith and patience, and all the passive graces of religion, were in their own season. But since God hath left off to smite us with an iron rod, and hath once more said unto these nations, "They shall serve the Lord their God, and David their king whom I have raised up unto them;" now our duty stands on the sunny side, it is our work to rejoice in God and in God's anointed, and to be glad, and worthily to accept of our prospérity is all our business: for so good a God we serve, that he hath made it our duty to be happy, and we cannot please him unless we be infinitely pleased ourselves. It was impossible to live without our king; but as slaves live, that is, such who are civilly dead, and persons condemned to metals; we lived to the lusts and insolency of others, but not at all to ourselves, to our own civil or religious comforts. But now our joys are mere and unmixed; for that we may do our duty and have our reward at once, God hath sent your Majesty amongst us, that we may feel the pleasures of obedience, and reap the fruits of that government which God loves and uses, which he hath constituted and adorned, which he hath restored to us by a conjugation of miracles, by the work of his hand and the light of his countenance, by changing the hearts of men, and "scattering the people that delight in war," by infatuating their counsels and breaking their cords asunder; that is, which he himself hath wrought amongst us by himself alone, and therefore will bless and will never interrupt: only we must be careful never to provoke him any more by our unthankfulness and infidel apostasy.

But now, great Sir, be pleased to give me leave in the throngs of those that rejoice to see the goodness of God to his servant Job, in imitation of them who presented him with, every man, an ear-ring of gold, and a piece of silver, or a lamb,[b] to bring also my offering, the signification of my joy. For though it be but two books, which, like the widow's two mites, make up but a contemptible sum; yet because it is all I have, your Majesty may be pleased to accept: and so much the rather, because it is also an expression of that part of the duty of my calling which hath fallen to my share. For your Majesty, like the king in the gospel, hath been in a far country, and some of your citizens sent after you, and said, "Nolumus hunc regnare;"[c] but God hath caused you to return and reign: and if your Majesty should by that example call us to render an account of our talents, I can only say, that amongst those many excel-

[a] Jer. xxx. 7. [b] קְשִׂיטָה [c] Luke xix. 14.

lent persons who have greatly improved theirs, I was willing to negociate and to labour. What fruit will from hence accrue to souls is wholly in the hands of God: but this semination and culture were much wanted in the reformed churches. For though in all things else the goodness of God hath made us to abound, and our cup to run over; yet our labours have been hitherto unemployed in the description of the rules of conscience and casuistical theology. In which because I have made some attempts, if the production be not unworthy, I am sure it is not improper to lay it at the feet of your Majesty. For your Majesty being by God appointed "custos utriusque tabulæ," since, like Moses, you are from God descended to us with the two tables of the law in your hand, and that you will best govern by the arguments and compulsory of conscience, and this alone is the greatest firmament of obedience; whatsoever can be the measure of conscience "est res fisci," is part of your own propriety, and enters into your exchequer.

Be pleased therefore, gracious Sir, to accept this instance of my duty to God, to your Majesty, and to your great charge, the church of England. There are in it many things intended for the service, but nothing to deserve any of these great interests. Those cases that concern the power and offices of ecclesiastical superiors and supreme, were (though in another manner) long since done by the incomparable Mr. Hooker,[d] and the learned Archbishop of Spalato;[e] but their labours were unhappily lost, and never saw the light. And though I cannot attain to the strength of these champions of David and guardians of the temple; yet since their portion of work is fallen into my hand, I have heartily endeavoured to supply that loss; though with no other event, but as charitable passengers by their little, but well-meaning, alms repair the breaches of his fortune, who was greatly undone by the war or fire. But therefore I humbly beg your Majesty's pardon in all things where my weaknesses make me to despair of your more gracious acceptance: and here I am therefore to be confident, because your mercy is, as your Majesty, this day in her exaltation, and is felt by all your subjects; and therefore humbly to be hoped for by,

Great Sir,

Your Majesty's

Most dutiful and most obedient Subject,

JER. TAYLOR.

THE PREFACE.

The reformation of religion in the western churches hath been so violently, so laboriously, so universally, opposed by evil spirits and evil men, by wilfulness and ignorance, by prejudice and interest, by error and partiality; and itself also hath been done so imperfectly in some places, and so unskilfully in some others, because the thick and long-incumbent darkness had made it impossible to behold the whole light in all its splendour; that it was found to be work enough for the ministers of religion to convince the gainsayers, to oppose their witty arts by the advantageous representment of wise truths, so to keep the people from their temptations. But since there were not found many able to do this but such which had other cures to attend, the conduct of souls in their public and private charges, and the consequent necessity of preaching and catechising, visiting the sick, and their public daily offices; it was the less wonder that in the reformed churches there hath been so great a scarcity of books of cases of conscience: though it was not to be denied but the careless and needless neglect of receiving private confessions, hath been too great a cause of our not providing materials apt for so pious and useful a ministration. But besides this, it is certain that there was a necessity of labouring to other purposes than formerly: and this necessity was present and urgent; and the hearts and heads of men ran to quench that fire, and left the government of the house more loosely, till they could discern whether the house would be burnt or no by the flames of contention which then brake out: only this duty was supplied by excellent preachings, by private conferences, by admonitions and answers given when some more pious and religious persons came to confessions, and as they were upon particular occasions required and invited. But for any public provisions of books of casuistical theology, we were almost wholly unprovided; and, like the children of Israel in the days of Saul and Jonathan, we were forced to go down to the forges of the Philistines to sharpen every man his share and his coulter, his axe and his mattock. We had swords and spears of our own, enough for defence, and more than enough for disputation: but in this more necessary part of the conduct of consciences, we did receive our answers from abroad, till we found that our old needs were sometimes very ill supplied, and new necessities did every day arise.

Some of the Lutherans have indeed done some-

[d] Lib. 7, 8. of Eccles. Polity.

[e] Lib. 8. de Rep. Eccles.

thing in this kind which is well; Balduinus, Bidenbachius, Dedekanus, Konig, and the abbreviator of Gerard: some essays also have been made by others; Alstedius, Amesius, Perkins, and the late eloquent and reverend bishop of Norwich. But yet our needs remain; and we cannot be well supplied out of the Roman storehouses: for though there the staple is, and very many excellent things exposed to view; yet we have found the merchants to be deceivers, and the wares too often falsified.

For, 1. If we consider what heaps of prodigious propositions and rules of conscience their doctors have given us, we shall soon perceive that there are so many boxes of poison in their repositories under the same paintings and specious titles, that as it will be impossible for every man to distinguish their ministries of health from the methods of death, so it will be unsafe for any man to venture indiscriminately. For who can safely trust that guide that teaches him, "that it is no deadly sin to steal, or privately against his will and without his knowledge to take a thing from him who is ready to give it if he were asked, but will not endure to have it taken without asking:"[a]—"that it is no theft privately to take a thing that is not great, from our father:"[b]—"that he who sees an innocent punished for what himself hath done, he in the mean time who did it, holding his peace, is not bound to restitution:"[c]—"that he who falls into fornication if he goes to confession, may, the same day in which he did fornicate, receive the communion; that communion is manducation, and therefore requires not attention:"[d]—"that he, who, being in deadly sin, receives the holy communion, commits but one sin, viz. that against the dignity of the sacrament; and that the omission of confession is no distinct sin, meaning, amongst them who believe confession to be of Divine institution?"—As bad or worse are those affirmatives and doctrines of repentance: "A dying man is not tied to be contrite for his sins; but confession and attrition are sufficient:"[e] and that we may know what is meant by attrition, we are told "it is a sorrow for temporal evil, disgrace, or loss of health, sent by God as a punishment, or feared to be sent:"[f] this alone is enough for salvation, if the dying man do but confess to the priest, though he have lived wickedly all his life-time. And that we need not think the matter of confession to be too great a burden, we are told, "He that examines his conscience before confession, sins if he be too diligent and careful." But as for the precept of having a contrite and a broken heart, "it binds not but in the article or danger of death: nor then, but when we cannot have the sacrament of penance."[g]—To these may be added those contradictions of severity for the securing of a holy life; that "if a man purpose at the present to sin no more, though at the same time he believes he shall sin again, (that is, that he will break his purpose,) yet that purpose is good enough: that it is not very certain whether he that hath attrition, does receive grace, though he does not formally resolve to sin no more:"[h] meaning, that it is probable, that it is not necessary to make any such resolution of leaving their sin; they are not certain it is so, nor certain that it is otherwise, that is, they find no commandment for these things: it may be they are counselled and advised in Scripture, but that is no great matter;[i] for "it is no sin not to correspond with the Divine inspirations exhorting us to counsels."—Add to these, that "to detract from our neighbour's fame before a conscientious, silent, and a good man, is no deadly sin: to dispense with our vows in a year of jubilee is valid, though the condition of obtaining that jubilee be not performed."[k]—Thus men amongst them have leave to sin, and they may live in it, as long as their life lasts, without repentance: and that repentance in the sum of affairs is nothing but to call to the priest to absolve them; provided you be sorrowful for the evil you feel or fear God will send on you: but contrition, or sorrow proceeding from the love of God, is not at all necessary; "neither is it necessary that our sorrow be thought to be contrition;[l] neither is it necessary that attrition should go before confession, but will serve if it be some time after; and if you confess none but venial sins, it is sufficient if you be sorrowful for one of them; and the case is the same for mortal sins formerly confessed."[m] But I am ashamed of this heap of sad stories: if I should amass together what themselves have collected in their books, it would look like a libel: but who is pleased with variety of such sores, may enter into the hospitals themselves, and walk and look till he be weary.

2. But not only with the evil matter of their propositions; but we have reason to be offended with the strange manner of their answerings. I shall not need to instance in that kind of argument which is but too frequent among those who prevail more by their authority than their reason, of proving propositions by similitudes and analogies. I remember that Gregory Sayr[n] says, that all precepts of the moral law are to be reduced to the decalogue; because as all natural things are reduced to ten predicaments, so it is expedient that all kinds of virtues and vice be reduced to the ten commandments. And Besseus infers seven sacraments from the number of the planets, and the seven ears of full corn in Egypt, and seven water-pots changed into wine, (though they were but six,) because as the wine filled six water-pots, so the sacrament of the eucharist fills the other six, and itself makes the seventh; and that therefore peradventure the sacraments are called vessels of grace. But this I look upon as a want of better arguments in a weak cause, managed by careless and confident persons; and note it only as a fault, that the guides of consciences should speak many things, when they can prove but few.

[a] Eman. Sa. Aphor. 5. Furtum. [b] Prov. xxviii. 24.
[c] Idem. 5. Restitutio.
[d] Diana de Euchar. in compend. n. 30—32.
[e] Idem de Pœnit. n. 3. 7. [f] Num. 11. 17, 18.
[g] Num. 18. [h] Num. 19.
[i] Id. Verb. Detractio. num. 5. [k] Dispensatio, num. 11.
[l] Concil. Trid. sess. 14. cap. 4.
[m] Dian. Compend. de Pœnit. Sacram. n. 8.
[n] Clavis Regia, lib. 4. c. 2. n. 5.

3. That which I suppose to be of greatest consideration is, that the casuists of the Roman church take these things for resolution and answer to questions of conscience, which are spoken by an authority that is not sufficient; and they admit of canons, and the epistles of popes, for authentic warranties, which are suspicious, whether ever they were written by them to whose authority only they do pretend;—and they quote sayings of the old doctors, which are contradicted by others of equal learning and reputation, and all cited in their own canon law; and have not any sufficient means to ascertain themselves what is binding in very many cases argued in their canons, and decretal epistles, and bulls of popes. Nay, they must needs be at a loss in their conduct of consciences, especially in all inquiries and articles of faith, when they choose such foundations, which themselves know to be weak and tottering; and yet lay the greatest load upon such foundations, and tie the conscience with the hardest ligature, where it is certain they can give no security. For it is not agreed in the church of Rome, neither can they tell upon whose authority they may finally rely; they cannot tell who is the visible head of the church: for they are not sure the pope is; because a council may be superior to him, and whether it be or no, it is not resolved: and therefore either they must change their principle, and rely only upon Scriptures and right reason and universal testimonies, or give no answer to the conscience in very many cases of the greatest concernment; for by all other measures their questions are indeterminable. But the authority of man they make to be their foundation: and yet if their allegations were allowed to be good argument, it would serve them but to very few purposes, since the doctors, whose affirmative is the decision of the case, are so infinitely divided.

4. This to me, and to very many wise men, looks like a very great objection: but I find that they who are most concerned in it, account it none; for the Roman casuists profess it; and yet do not suppose that the consequent of this should be, that the case is difficult, and the men not to be relied upon, and the conscience to be otherwise informed, and that we ought to walk the more warily, but therefore the conscience is at liberty, and the question in order to practice hath no difficulty; hard in the case, but easy in the action: for by this means they entertain all interests, and comply with all persuasions, and send none away unsatisfied. For uncertain answers make with them no uncertain resolution; for they teach us, that in such cases we may follow either part: and therefore they studiously keep up this academical or rather sceptic theology, "alii aiunt, alii negant; utrumque probabile."[o] And upon this account, although with greatest severity they bind on men's persuasions the doctrines of meats and carnal ordinances, yet they have left them loose enough when it comes to the conscience, so loose that the precept is become ridiculous: for what can it be otherwise, when they teach, "that the fast is not broken by drinking of water or wine, nay, though we eat something that our drink may not hurt us; nor the usual collation at night if it be taken in the morning; nor if the butler or the cook lick his fingers; nor if we eat eggs or milk-meats, so it be not in the holy time of Lent; nor if after dinner awhile you eat something at the entreaty of a friend; nor if you upon a reasonable cause eat before your time: in all these cases you eat and fast at the same time."[p] All these things are derivatives from the contrary opinions of some easy, gentle doctors; and the effect of this stratagem is seen in things of greater consequence. For "we are free from our vow, or from a commandment, if it be a probable opinion of the doctors that we are free;"[q] and it is probable, if it be the opinion of one grave doctor: that is, in effect, plainly, if it be probable in the doctrine, it is certain in practice; and it is probable, if any one of their doctors says it.

5. And the mischief of this is further yet discernible, if we consider that they determine their greatest and most mysterious cases oftentimes by no other argument but the saying of some few of their writers. I shall give but one instance of it; but it shall be something remarkable. The question was, "Whether the pope can dispense in the law of God?"[r] The inquiry is not concerning a dish of whey, but of a considerable affair; upon which the right or the wrong of many thousand consciences amongst them do depend. It is answered, "that one opinion of the catholics says, that the pope can dispense in all things of the law of God, excepting the articles of faith."—The proof is this, so Panormitan speaks, "in cap. Proposuit, de Concess. Præbend. n. 20." citing Innocentius "in cap. cum ad Monasterium, de Statu Monachorum," where he says, that without cause the pope cannot dispense in things of Divine right; intimating that with cause he may. And the same is the opinion of Felinus "in cap. Quæ in Eccles. de Const. n. 19 et 20." where amongst other things he saith, that the pope, when he hath cause, can change the usual form of baptism, and make it lawful to baptize in the name of the Trinity, which he reports out of Innocentius, "cap. 1. de Baptis. in fine, num. 11." Yea, the same Felinus is bold to affirm "in cap. 1. de Const. n. 23." that the pope with one word can create a priest, without any other solemnity, saying, Be thou a priest; which he reports out of Innocentius "in cap. 1. Sacra Unct." The same Felinus adds further, that the pope with his word alone can make a bishop; and he cites "Angelus in lib. 2. cap. de Crim. Sacrilegii; et in lib. 1. cap. de Sententiam passis." The same sentence is held by Decius, "concil. 112. n. 3. in fine; et in dict. cap. Quæ in Eccles. n. 25. et seq. alias n. 44 et 45. in Novis. Allegantur etiam alii Juristæ in cap. 2. de translat. Episcopi; et in lib. Manumissiones. ff. de just. et jure; et in lib. 2. cap. de Servit.," &c.

Here is a rare way of probation: for these allegations are not only a testimonial that these catholic authors are of that opinion; but it is intended to

[o] Sa Aphor. verb. Jejun. n. 11.
[p] Ibid. n. 8.
[q] Idem verb. Dubium.
[r] Suarez. lib. 10. de Leg. cap. 6. n. 3.

represent, that this opinion is not against the catholic faith; that popes and great lawyers are of it; and therefore that it is safe, and it may be followed, or be let alone: but yet this is sufficient to determine the doubting conscience of a subject, or to be propounded to him as that on which he may with security and indemnity rely. The thing is affirmed by Felinus, and for this he quotes Innocentius: and the same is the opinion of Decius, and for this opinion divers other lawyers are alleged. Now when this or the like happens to be in a question of so great concernment as this, it is such a dry story, such an improbable proof, so unsatisfying an answer to the conscience, that the great determination of all those questions and practices,—which can depend upon so universal an article as this, and a warranty to do actions which, their adversaries say, are abhorrent from the law of nature and common honesty,—shall, in their final resort, rest upon the saying of one or two persons, who having boldly spoken a foolish thing, have passed without condemnation by those superiors, for whose interest they have been bold to tell so great a lie.

In conclusion, the effect of these uncertain principles and unsteady conduct of questions is this; that though by violence and force they have constrained and thrust their churches into a union of faith, like beasts into a pound, yet they have made their cases of conscience and the actions of their lives unstable as the face of the waters, and immeasurable as the dimensions of the moon; by which means their confessors shall be enabled to answer according to every man's humour, and no man shall depart sad from their penitential chairs, and themselves shall take or give leave to any thing; concerning which I refer the reader to the books and letters written by their parties of Port-Royal, and to their own weak answers and vindications.

If I were willing by accusing others to get reputation to my own, or the undertakings of any of our persuasion or communion, I could give very many instances of their injustice and partialities in determining matters and questions of justice, which concern the church and their ecclesiastical persons; as if what was just amongst the reprobates of the laity were hard measure if done to an ecclesiastic, and that there were two sorts of justice, the one for seculars, and the other for churchmen; of which their own books[1] give but too many instances. I could also remark that the monks and friars are "inquiores in matrimonium," and make inquiries into matrimonial causes with an impure curiosity, and make answers sometimes with spite and envy, sometimes with licentiousness; that their distinction of sins mortal and venial hath intricated and confounded almost all the certainty and answers of moral theology; but nothing of this is fitted to my intention, which is only to make it evident that it was necessary that cases of conscience should be written over anew, and established upon better principles, and proceed in more sober and satisfying methods: nothing being more requisite than that we should all "be instructed, and thoroughly prepared to every good work;" that we should "have a conscience void of offence both towards God and towards man;" that we should be able to "separate the vile from the precious," and know what to choose and what to avoid; that "we may have our senses exercised to discern between good and evil," that we may not "call good evil or evil good." For since obedience is the love of God, and to do well is the life of religion, and the end of faith is the death of sin and the life of righteousness; nothing is more necessary than that we be rightly informed in all moral notices; because in these things an error leads on to evil actions, to the choice of sin, and the express displeasure of God; otherwise than it happens in speculation and ineffective notices and school-questions.

And indeed upon this consideration I was always confident, that though the questions of the school were nice and subtile, difficult and very often good for nothing; yet that in moral theology I should have found so perfect an accord, so easy determination of questions, that it would have been harder to find out questions than answers; and the great difficulty in books of this subject would be to put the great number of inquiries into order and method. I was not deceived in the ground and reason of my conjecture; because I knew that "in promptu et facili est æternitas;" God had made the way to heaven plain and simple; and what was necessary did lie open, and the lines of duty were to be read by every eye, or heard and learned by all understandings; and therefore it is certain that all practical truths are to be found out without much contention and dispute, because justice and obedience to God in all moral conversation are natural to us, just as logic and discourse are. But when I came to look a little nearer, I found that men were willing enough to be tied up to believe the inactive propositions of the doctors, but would keep a liberty of pleasing themselves in matters of life and conversation: in the former they would easily be governed by leading men; but in the latter they would not obey God himself, and without great regret would not be confined to strictness and severity in their cases of conscience. Some would; but many would not. They that would, gave laws unto themselves, and they could easily be governed; but they that would not, were ready to trample upon their yoke, if it were not made gentle and easy for their neck. But this was the least part of the evil.

For besides this, moral theology was made a trade for the house, and an art of the schools: and as nothing is more easy than natural logic, and yet nothing harder than sophistical, so it is in moral theology; what God had made plain, men have intricated; and the easy commandment is wrapped up in uneasy learning; and by the new methods, a simple and uncrafty man cannot be "wise unto salvation;" which is but small comfort to him that stands in the place of the idiot and unlearned. Sometimes a severe commandment is expounded by the sense of

[1] Vide Summas Cas. Consc. in verbis, Immunitas. Ecclesia. Hospitale. Privilegium. Clericus. Monasterium, &c.

ease and liberty, and the liberty is established in rule; but because the rule is not true in some hundreds of cases, a conscientious man does not know how to make use of it: and if the commandment be kept close to the sense of strictness and severity, there are so many outlets and escapes found out, that few men think themselves obliged. Thus in the rule, "Spoliatur ante omnia restituendum," which is an excellent measure of conscience in many cases, and certainly can have no direct abatement in the duty, and the party obliged can only be relieved by equity in the manner of doing it; yet of this plain and easy rule, Gabrielius brings no less than threescore and ten limitations: and to make all questions of that nature and the rule of conscience infinite and indeterminable, Menochius hath seven hundred ninety and eight questions concerning "possession;"—and "who is sufficient for these things?"—There is a rule amongst the lawyers which very much relates to the conscience of those men, who are engaged in suits and sentences of law in all countries which are ruled by the civil law: "In quolibet actu requiritur citatio." Of this rule Porcius brings a hundred and sixteen ampliations, and a hundred and four-and-twenty limitations.—Maranta enumerates forty cases, in which a negative ought to be proved: and Socinus sets down eight hundred and two "fallencies," (that is the word of the law,) concerning the contestation of suits and actions at law. Many more might be reckoned even in the interpreters of the civil law, and in the measures we derive from thence. But if any man thinks it better in the canon law, which is supposed to be as great a rule of our conscience in the matter of religion as the other is of justice; I shall only say, that the very title of the canon law was "Concordantia Discordantiarum," a tying of contradictions together in one string; and when you begin to look into the interpreters of the "Decretum," which is the best part of the canon law, Simoncellus[t] tells that the word "decretum" hath five-and-twenty significations. So that there is a wood before your doors, and a labyrinth within the wood, and locks and bars to every door within that labyrinth; and after all, we are like to meet with unskilful guides; and yet of all things in the world, in these things an error is the most intolerable.

But thus the enemy of mankind hath prevailed upon us, while we were earnest in disputations about things less concerning: then he was watchful and busy to interweave evil and uncertain principles into our moral institutions, to entangle what was plain, to divide what was simple, to make an art of what was written in the tables of our hearts with the finger of God. When a gentleman was commending Dr. Fisher's (bishop of Rochester) great pains in the confutations of Luther's books, the wise prelate said heartily, that he wished he had spent all that time in prayer and meditation which he threw away upon such useless wranglings. For that was the wisdom of the ancients: "Antiqua sapientia nihil aliud quam faciendi et vitandi præcepit: et tunc meliores erant viri. Postquam docti prodierunt, boni desunt. Simplex enim illa et aperta virtus in obscuram et solertem scientiam versa est; docemurque disputare non vivere:" "Our forefathers taught their children what to do and what to avoid; and then men were better. But when men did strive to become learned, they did not care so much to become good; they then were taught to dispute rather than to live."[u] To this purpose I understand that excellent saying of Solomon; "Of making many books there is no end, and much study is a weariness of the flesh. Let us hear the conclusion of the whole matter. Fear God and keep his commandments; for this is the whole duty of man:"[x]—meaning, that books which serve to any other purpose, are a laborious vanity, consumptive of our time and health to no purpose: nothing else being to any purpose but such things which teach us to fear God, and how to keep his commandments. All books, and all learning, which minister to this end, partake of the goodness of the end; but that which promotes it not, is not to be regarded: and therefore the Chaldee paraphrast reads these words into an advice of making many books tending to holiness: "Fili mi, monitus esto ut facias libros sapientiæ plurimos, adeo ut non sit finis; et ut studeas verbis legis, conspiciasque defatigationem carnis:" "Make books of wisdom very many, and study in the words of the law till thou mayest see the weariness of thy flesh:" "Beata ætas quæ in vitâ hominum regenda totam disputandi rationem posuit;" "Blessed are the times in which men learn to dispute well that they may live the better."—And truly it were much to be wished that men would do so now; endeavouring to teach the ways of godliness in sincerity; to show to men the right paths of salvation; to describe the right and plain measures of simplicity, christian charity, chastity, temperance, and justice; to unwind the entanglements of art, and to strip moral theology of all its visors; to detract all the falsehoods and hypocrisies of crafty men; to confute all the false principles of evil teachers, who by uncertain and deceitful grounds teach men to walk confidently upon trap-doors and pitfalls, and preach doctrines so dangerous and false, that if their disciples would live according to the consequents of such doctrines, without doubt they must perish everlastingly.

It is a great work and too heavy for one man's shoulders; but somebody must begin; and yet no man ever would, if he can be affrighted with the consideration of any difficulty in the world. But I have laid aside all considerations of myself, and with an entire dependence upon God for help, I have begun an institution of moral theology, and established it upon such principles and instruments of probation which every man allows, and better than which we have none imparted to us. I affirm nothing but upon grounds of Scripture, or universal tradition, or right reason discernible by every disinterested person, where the questions are of great concern, and can admit of these probations: where they cannot, I take the next best; the laws of wise commonwealths and the sayings of wise men, the

[t] Tract. de Decretis. [u] Seneca ad Lucil. [x] Eccles. xii. 12.

results of fame and the proverbs of the ancient, the precedents of holy persons and the great examples of saints. Πεπαιδευμένου. γὰρ ἐστιν ἐπὶ τοσοῦτον τ' ἀκριβὲς ἐπιζητεῖν καθ' ἕκαστον γένος, ἐφ' ὅσον ἡ τοῦ πράγματος φύσις ἐπιδέχεται· παραπλήσιον γὰρ φαίνεται, μαθηματικοῦ τε πιθανολογοῦντος ἀποδέχεσθαι, καὶ ῥητορικὸν ἀποδείξεις ἀπαιτεῖν·[y] "He that is well instructed will require in every kind of argument and disputation no other proof or subtilty than the subject-matter will bear. For it were ridiculous for a mathematician to go about to persuade with eloquence, or an orator to pretend to demonstrations."—But moral theology is a collective body of all wisdom, whereof some things are demonstrable, and many are probable, and other things are better than their contraries; and they are to be proved accordingly, every thing in its proportion and capacity. And therefore here I make use of all the brocardics, or rules of interpreters; that is, not only what is established regularly in law, but what is concluded wise and reasonable by the best interpreters. Socinus, Duennas, Azo, Gabrielius, Damasus, and divers other great lawyers, attempted this way in the interpretation of the civil and canon law. I intermeddle not in the question, whether they did well or ill, but leave the contest as it lies between Duarenus and Balduinus, who blame them, and Wesenbech and Gribaldus, who are their confident advocates. But in the discourses of conscience, whatsoever is right reason, though taken from any faculty or science, is also of use and efficacy. Because whatever can guide the actions or discourses, or be the business or the conduct, of any man, does belong to conscience and its measures; and what is true in any science, is true in conscience.

I do not say that what is true or allowed in human laws is also true or allowed in the Divine; because though God does justly and wisely, yet men do not always so; and what is true in sciences is not always understood to be true in civil laws. "Qualis causa, talis effectus," saith the philosopher; "The cause and the effect are of the same nature."—But the lawyer says, this is not always true. For manumission, which is a cause of liberty, is of the civil law and positive institution; but liberty, which is the effect of it, is of the law of nature. Now although the philosopher understands his rule of natural causes and effects, or those causes which are artificial, but operate by the way of nature, and intends it not at all to be persuasive in matters of positive and legal institution; yet this truth and all other truths must prevail in conscience, because they are emanations from the fountain of truth; from whence nothing can derive that is not always true, and in all senses true, where they are intended to persuade or teach. But then the truths of philosophy must be used in the measures of conscience by the intentions of philosophy, and not be carried on to a disparate matter, and without cause be indifferently applied, the same words to things of another nature. There is a rule in philosophy, "Incorporalia sunt individua:" from hence Hottoman argues, Therefore dominion, heritage, "ususfructus," or "the use of a thing by him that is not the lord," are individual, because they are incorporeal.—Now this will deceive him that trusts upon it: not because what is true in one place, is not true always and every where; but because these words applied to other matters, and the words signifying other intentions, they abuse the weary hearer, but instruct not. But because the questions of conscience do relate to all matters, therefore to these all arts and sciences do minister. "Res fisci est, ubicunque natat," "Whatsoever swims upon any water, belongs to this exchequer;" that is, saith St. Austin,[z] "Christianus Domini sui esse intelligit, ubicunque invenerit veritatem," "If it be truth, wheresoever it be found, the christian knows it is his Lord's goods:" and therefore I have proved and adorned some truths with the wise saying of philosophers and poets, "ut Deo serviat quicquid puer utile didici," that (according to the expression of the same saint[a]) "whatsoever, being a child, I learned which can profit, may be brought in to serve and pay homage to God."—But still they are to be understood according to the sense and meaning of their proper art where they dwell. And though there is great need of skill in all those sciences from whence we derive notices in order to the conduct of conscience; and that it will be hard for any man to pretend to be master of all those things which must be used in these discourses; yet I, who will not pretend to that, have yet taken as good a course as I could to inform myself, though not in the whole system of every art in the whole circle which I have here occasionally used, yet I have been careful to understand those few things, which I have thence drawn in as auxiliaries: and lest I should yet fail, I have taken another course by way of caution and defence, that I may be right and sure in the reflex, if I had cause to doubt of any thing in the direct notice.

For I have propounded to myself general measures to be as boundaries to the determination of doubts and the answer of questions; which so long as I do deserve, my error will be very innocent, if any happens. For, 1. In hard and intricate questions I take that which is easy and intelligible, and concerning which it will be easy to judge whether it be right or wrong. 2. In odious things, and matters of burden and envy, I take that part which is least, unless there be evident reason to the contrary. 3. In favours I always choose the largest sense, when any one is bettered by that sense, and no man is the worse. 4. In things and questions relating to men, I give those answers that take away scruples, and bring peace and a quiet mind. 5. In things relating to God, I always choose to speak that thing which to him is most honourable. 6. In matters of duty, I always choose that which is most holy. 7. In doubts I choose what is safest. 8. In probabilities, I prefer that which is the more reasonable, never allowing to any one a leave of choosing that, which is confessedly the less reasonable in the whole conjunction of circumstances and relative considerations.

Upon the account of these principles I hope to

[y] Arist. lib. 1. Eth. c. 3.

[z] De Doct. Christi, lib. 2. c. 18. [a] Confess. lib. 1. c. 15.

serve God and the good of souls. For these being the points of my compass, which way soever I sail, I shall not suffer shipwreck: and if at any time I go about, which I have avoided as much as my infirmities will permit, yet at last, and in the whole, I arrive where I ought to be. For indeed in this whole affair I have proceeded with great fear; as knowing that he who writes cases of conscience, does in a manner give laws to all that do believe him: and no man persuades more vehemently than he that tells you, "This, God forbids;—This, God commands;" and therefore I knew that to be mistaken here was very evil, and might do much evil; but to be careless, or prejudicate, or partial, or flattering, or oppressive with severity, or unsafe with gentleness, was criminal in the cause as well as mischievous in the event: and the greatest security which I have that I have not spoken unsafely in any man's case, is, because that I have prayed much, and laboured much, that I might not at all minister to error or schism, to folly or vanity, but to the glory of God, and to the good of souls: and I have so determined every case that I have here presented, as I myself would practise, as I would account at the day of judgment, through the mercies of God in Jesus Christ, and the integrity and simplicity of my conscience: and therefore I desire that my reader will use the same caution and ingenuity before he condemns any conclusion, and consider, that as in these things it was impossible to please every man, ἔργμασιν ἐν μεγάλοις πᾶσιν ἄδεῖν χαλεπόν·[b] so I designed to please no man but as he is a lover of truth, and a lover of his own soul.

The style that I here use, is according as it happens; sometimes plain, sometimes closer: the things which I bring are sometimes new, and sometimes old; they are difficult and they are easy; sometimes adorned with cases, and the cases specificated in stories, and sometimes instead of a story I recite an apologue, and disguise a true narrative with other names, that I may not discover the person whose case I discourse of: and in all things I mind the matter; and suppose truth alone and reason and the piety of the decision to be the best ornament; and indeed sometimes the thing itself will not be handled otherwise.

Ornari res ipsa negat, contenta doceri.

I was here to speak to the understanding, not to win the affections; to convince, not to exhort: and where I had no certainty in a case, or that the parts of a question were too violently contended for, without sufficient evidence on either side, I have not been very forward to give my final sentence; but my opinion and my reason;

Per verbum forte respondent sæpe periti.[c]

And yet I hope that in some cases it will be found, that though I am not fierce, positive, and decretory, yet the case itself is sufficiently declared, so that he who hath occasion to use it, may upon those accounts determine himself. For the modesty of him that teaches, is not always an argument that he is uncertain in his proposition. Τὸ νομίζω, καὶ τὸ δοκεῖν, καὶ τὰ τοιαῦτα οὐ πάντως ἐπὶ ἀμφιβόλου τάττουσιν οἱ παλαιοὶ, ἀλλὰ πολλάκις καὶ ἐπὶ τοῦ ἀληθεύειν οὕτως οὖν καὶ τὸ νομίζω ἐνταῦθα ἀντὶ τοῦ κρίνω, καὶ πιστεύω, saith Ulpian.[d] When the ancients said, "I suppose, I think, It seems," they did not always mean that they were uncertain; but they sometimes intended it for a modest, but a direct affirmative: and so I do in some few cases where there is great reason on one side, and a great prejudice on the other: I give my reasons, and lay down the case, and all its allays, and leave it to prevail without my sentence by its own strength. And for this, I hope, no man will be offended at me: if he be, it is because I was not willing to offend him; but I was desirous to instruct, to comfort, to determine and to establish, him that needs.

I have studiously avoided all questions that are curious and unprofitable; such, I mean, which are only trials of wit, but neither ministers of justice nor religion. Such was that which was brought before the lawyers and all the learned men of Athens, with great noises to little purpose.—A gentleman of Ægina, dying, left three daughters;[e] the one was beauteous and wanton; the second a lover of wine and gay pleasures; and the third a good spinster, and a great follower of country housewifery. He made the mother of these daughters to be his heir upon this condition, that she should divide all his estate between his daughters equally; but in such a manner, that what they received they should neither possess nor enjoy; as soon as ever they had quitted their portions, they should pay, each of them, to their mother ten thousand philippics. The mother runs to Athens, consults the lawyers and philosophers how this will should be fulfilled; but they know not, as supposing one part to cross another, and altogether to be impossible; for if the whole estate should be divided amongst them, how is it that they shall not enjoy it? and if they do not, how shall they pay their mother her assignment? The mother therefore, finding no help there, contrives it thus herself; to the pretty wanton she gives rich clothes, smooth eunuchs, soft beds, sweet perfumes, silver lavatories, and all things which, she supposed, might please her lust, and consume her portion. To the drinking girl she provides vessels of rich wines, a house well furnished, and all things fitted for expensive entertainments. But to the country housewife a good farm, ploughmen, and a great stock, many horses and some cows, some men-servants and a great many maidens, a kennel of hounds and a few swine; supposing this was no very probable way for her to thrive, but the likeliest way to do her husband's will; because the lust of the first, and thirst and debauchery of the second, and the ill-contrived stock of the third, would consume all their portions. But all this while she considered not, how, when they grew poor, she should receive her share. But at last a wiser man than was in the schools of Athens advised her thus: Give to the drunken maiden the rich garments,

[b] Solon. [c] Glos. in c. quorum appel. non recipiuntur. [d] B. 3. 15. ad Olynth. 1. [e] Phædrus.

the jewels, and the eunuchs; and because she loves them not, she will sell them all for old wines of Chios:—to the wanton give fields and cattle, oxen and ploughs, hinds and swine; and she will quickly sell them that she may entertain her lovers:—but if you give vessels of wine to the country girl, she knows not what to do with them, and therefore will sell them to the merchant for ready money. Thus shall neither of them enjoy their portion; but by selling it, they shall be enabled to pay the money to their mother.—This was a riddle, rather than a case of law or conscience; and so are many others, which I therefore resolved to lay aside, and trouble no man's conscience or head with them; as supposing that the answer of the dull Diodorus, mentioned in the Greek epigram, is sufficient for such curiosities.

Ἢ σοι, ἢ τῷ ἑλόντι,

It is so, or it is not so; it must be done this way, or some other; the thing in question is yours, or somebody's else; but make the judge your friend, and I will warrant your cause, provided it be just; but look you to that. A slight answer to an intricate and useless question is a fit cover to such a dish; a cabbage-leaf is good enough to cover a pot of mushrooms: but I have taken a shorter way, and laid them all aside; remembering the saying of Friar John Annias to Nicolaus de Lyra; "Testimonium Dei lucidum est, nec egent literæ divinæ plicis," "The things of God are plain and easy;" and therefore I have rejected every thing that is not useful and intelligible; choosing only to make such inquiries by which we may become better, and promoted in something of our duty;

> Quid sumus, et quidnam victuri gignimur, ordo
> Quis datus, aut metæ quam mollis flexus, et undæ,
> Quis modus argento, quid fas optare, quid asper
> Utile nummus habet, patriæ, carisque propinquis
> Quantum elargiri deceat, quem te Deus esse
> Jussit, et humanâ quâ parte locatus es in re:

viz. that we may be taught how to know what God requires of us, "instructed to salvation, and fitted to every good work."

But now I shall desire that he who reads my book, will not expect this book to be a collective body of particular cases of conscience; for I find that they are infinite, and my life is not so; and I shall never live to write them all, or to understand them all; and if I should write some and not all, I should profit I know not whom, and do good but to a very few, and that by chance too; and it may be, that their cases, being changed by circumstances, would not be fitted by my indefinite answers. I therefore resolved upon another way; which although no man before me hath trod in writing cases of conscience, yet I cannot say it is new; for I took my pattern from Tribonianus the lawyer, who out of the laws of the old Romans collected some choice rules, which give answer to very many cases that happen. And after I had considered and tried many others, I found this most reasonable, most useful, and most comprehensive, of all matters relating to my present undertaking. For I intend here to offer to the world a general instrument of moral theology, by the rules and measures of which, the guides of souls may determine the particulars that shall be brought before them; and those who love to inquire, may also find their duty so described, that unless their duties be complicated with laws, and civil customs, and secular interests, men that are wise may guide themselves in all their proportions of conscience; but if their case be indeed involved, they need the conduct of a spiritual guide, to untie the intrigue, and state the question, and apply the respective rules to the several parts of it; for though I have set them down all in their proper places relating to their several matters, yet when a question requires the reason of many rules, it is not every hand that can apply them: men will for ever need a living guide; and a wise guide of souls will, by some of these rules, be enabled to answer most cases that shall occur.

For although I have not given answers to every doubt, yet I have told what we are to do when any doubt arises; I have conducted the doubting conscience by such rules, which in all doubts will declare her duty; and therefore if the matter of the doubt be in the reception of the sacrament of the eucharist, or in wearing clothes, or in eating, the rule is the same and applicable to every matter. I have not disputed whether sumptuary laws be actually obligatory to us in England or Ireland; but I have told by what measures we shall know concerning all laws, whether they be obligatory or no, in any place, and to every person. I have not expounded all the laws of God, but I have told by what rules they are to be expounded and understood. But because these rules have influence upon all particulars, I have, by way of instance and illustration, determined very many special cases; and I was a little curious to choose such which are the matter of our usual inquiries; and have been very studious to draw into particular scrutiny most of the principal and noblest questions of christendom, which could relate to the matter of my rule; provided that they were practical and did minister to good manners; having that of Lactantius in my mind; "Non tam de rebus humanis bene meretur, qui scientiam bene dicendi affert, quam qui pie et innocenter docet vivere:" "He best deserves of mankind, who teaches men to live well rather than to talk well:" and therefore the wiser Greeks preferred philosophers before orators: "Illi enim recte vivendi doctores sunt existimandi, quod est longe præstabilius:" "It is better to be a doctor of good life, than of eloquent or learned speaking;" for they are but few who are capable of eloquence, but to live well is the duty of all; and I have always been pleased with the saying of Jupiter to Pallas in the apologue, when he kissed her cheek for choosing the fruitful olive.

> Nam quod facimus, id nisi utile est,
> Stulta omnis atque inanis inde est gloria;

Unless it does good and makes us better, it is not worth the using: and therefore it hath been no small part of my labour not only to do what was

necessary, but to lay aside what was useless and unfit, at least what I thought so.

In this manner by the Divine assistance I have described a rule of conscience: in the performance of which I shall make no excuses for my own infirmities, or to guard myself from the censure of the curious or the scorners. I have with all humility and simplicity desired to serve God, and to minister to his church, and I hope he will accept me: and for the rest, I have laid it all at his most holy feet, and therefore will take no further care concerning myself in it. Only I am desirous that now I have attempted to describe a general rule, they who find it defective would be pleased to make this more perfect by adding their own symbol; which is much easier than to erect that building, which needs but some addition to make it useful to all its purposes and intentions. But if any man, like a bird sitting upon a tree, shall foul the fruit and dishonour it, that it may be unfit for food, I shall be sorrowful for him that does so, and troubled, that the good which I intended to every one, should be lost to any one. But I shall have the prophet's[f] comfort, if I have done my duty in righteousness and humility: "Though I labour in vain, and spend my strength for nought, yet surely my judgment is with the Lord, and my work is with my God."

I know not whether I shall live to add matter to this form, that is, to write a particular explication of all the precepts of christian religion; which will be a full design of all special cases and questions of conscience measurable by this general rule. If I do not, I hope God will excite some other to do it; but whoever does it, he will do it with so much the more profit, by how much he does dispute the less; and I remember that Socrates and Sozomen tell, that Ælius the heretic was counted an atheist "propter eristicum loquendi et disputandi modum," because he taught no part of religion, but he minced it into questions and chopped it into Aristotle's logic. The simple and rational way of teaching God's commandments, as it is most easy, so it is most useful; and all the cases that will occur, will the most easily be answered by him, that considers and tells in what cases they bind, and in what they bind not: which is the duty of him that explicates, and may be delivered by way of plain rule and easy commentary.

But this I shall advertise; that the preachers may retrench infinite numbers of cases of conscience, if they will more earnestly preach and exhort to simplicity and love; for the want of these is the great multiplier of cases. Men do not serve God with honesty and heartiness, and they do not love him greatly; but stand upon terms with him, and study how much is lawful, how far they may go, and which is their utmost step of lawful, being afraid to do more for God and for their souls than is simply and indispensably necessary; and oftentimes they tie religion and their own lusts together, and the one entangles the other, and both are made less discernible, and less practicable. But the good man understands the things of God; not only because God's Spirit, by secret immissions of light, does properly instruct him; but because he hath a way of determining his cases of conscience which will never fail him. For if the question be put to him whether it be fit for him to give a shilling to the poor; he answers that it is not only fit, but necessary to do so much at least, and to make it sure, he will give two: and in matter of duty he takes to himself the greater share; in privileges and divisions of right, he is content with the least; and in questions of priority and dignity he always prevails by cession, and ever is superior by sitting lowest, and gets his will, first by choosing what God wills, and then what his neighbour imposes or desires. But when men have no love to God, and desire but just to save their souls, and weigh grains and scruples, and give to God no more than they must needs, they shall multiply cases of consciences to a number which no books will contain, and to a difficulty that no learning can answer.

The multiplication also of laws and ceremonies of religion does exceedingly multiply questions of practice; and there were among the Jews, by reason of their numerous rites, many more than there were at first among the christians. For we find the apostles only exhorting to humility, to piety towards parents, to obedience to magistrates, to charity and justice; and the christians who meant well understood well, and needed no books of conscience but the rule and the commandment. But when error crept in, truth became difficult and hard to be understood: and when the rituals of the church and her laws became numerous, then religion was hard to be practised: and when men set up new interests, then the laws of conscience were so many, that as the laws of the old Romans,

——— verba minantia fixo
Ære legebantur———

which at first were nailed in a brass plate upon a wall, became at last so numerous and filled so many volumes, that their very compendium made a large digest; so are these too many to be considered, or perfectly to be understood; and therefore either they must be cut off by simplicity and an honest heart, and contempt of the world, and our duty must look for no measures but love and the lines of the easy commandment,—or else we can have no peace and no security. But with these there is not only collateral security, but very often a direct wisdom. Because he that endeavours to keep a good conscience and hath an honest mind, besides that he will inquire after his duty sufficiently, he will be able to tell very much of it himself; for God will assist him, and cause that "his own mind shall tell him more than seven watchmen that sit in a tower;" and if he miss, he is next to an excuse, and God is ready to pardon him: and therefore in what sect of christianity soever any man is engaged, if he have an honest heart, and a good conscience, though he be in darkness, he will find his way out, or grope his way within; he shall be guided, or he shall be pardoned; God will pity him, and find some way

[f] Isa. xlix. 4.

for his remedy; and if it be necessary, will bring him out.

But however it comes to pass, yet now that the inquiries of conscience are so extremely numerous, men may be pleased to observe that theology is not every man's trade; and that it requires more wisdom and ability to take care of souls, than those men, who now-a-days run under the formidable burden of the preacher's office, can bring from the places of their education and first employment. Which thing I do not observe, that by it I might bring reputation to the office of the clergy; for God is their portion and lot, and as he hath given them work enough, so he hath given them honour enough, though the world despise them: but I speak it for their sakes who do what they ought not, and undertake what they cannot perform; and consequently do more hurt to themselves and others than possibly they imagine; which it were better they should amend, than be put to answer for it before him, who loves souls better than he loved his life, and therefore would not intrust them to the conduct of such persons, who have need to be taught the plain things of salvation, and learn to do justice and charity, and the proper things of a holy religion.

Concerning myself I shall make no request to my reader, but that he will charitably believe I mean well, and have done my best. If any man be troubled that he hath expected this nothing so long; I cannot make him other answer, but that I am afraid it is now too soon: and I bless God that I had abilities of health and leisure now at last to finish it: but I should have been much longer, if God had not, by the piety of one of his servants, provided for me a comfortable retirement and opportunity of leisure: which if I have improved to God's glory, or to the comfort and institution of any one, he and I both have our ends, and God will have his glory; and that is a good conclusion, and to that I humbly dedicate my book.

From my study in Portmore in Kilultagh, October 5, 1659.

BOOK I.

OF CONSCIENCE,

THE KINDS OF IT, AND THE GENERAL RULES OF CONDUCTING THEM.

CHAPTER I.

THE RULE OF CONSCIENCE IN GENERAL.

RULE I.

Conscience is the Mind of a Man governed by a Rule, and measured by the Proportions of Good and Evil, in Order to Practice; viz. to conduct all our Relations, and all our Intercourse, between God, our Neighbours, and ourselves: that is, in all moral Actions.

1. GOD governs the world by several attributes and emanations from himself. The nature of things is supported by his power, the events of things are ordered by his providence, and the actions of reasonable creatures are governed by laws, and these laws are put into a man's soul or mind as into a treasury or repository: some in his very nature, some by after-actions, by education and positive sanction, by learning and custom; so that it was well said of St. Bernard;[a] "Conscientia candor est lucis æternæ, et speculum sine maculâ Dei Majestatis, et imago bonitatis illius:" "Conscience is the brightness and splendour of the eternal light, a spotless mirror of the Divine Majesty, and the image of the goodness of God." It is higher which Tatianus said of conscience; Μόνον εἶναι συνείδησιν Θεὸν, "Conscience is God unto us;" which saying he had from Menander,

Βροτοῖς ἅπασι συνείδησις Θεὸς,

and it had in it this truth, that God, who is every where in several manners, hath the appellative of his own attributes and effects in the several manners of his presence.

Jupiter est quodcunque vides, quocunque moveris.
LUCAN.

2. That providence which governs all the world, is nothing else but God present by his providence: and God is in our hearts by his laws: he rules in us by his substitute, our conscience. God sits there and gives us laws; and as God said to Moses,[b] "I have made thee a god to Pharaoh," that is, to give him laws, and to minister in the execution of those laws, and to inflict angry sentences upon him; so hath God done to us. He hath given us conscience to be in God's stead to us, to give us laws, and to exact obedience to those laws, to punish them that prevaricate, and to reward the obedient. And therefore conscience is called οἰκεῖος φύλαξ, ἔνοικος Θεὸς, ἐπίτροπος δαίμων, "the household guardian," "the domestic god," "the spirit or angel of the place:"

[a] Lib. de Interior. Domo.

[b] Exod. vii. 1.

and when we call God to witness, we only mean, that our conscience is right, and that God and God's vicar, our conscience, knows it. So Lactantius;[c] "Meminerit Deum se habere testem, id est, ut ego arbitror, mentem suam, quâ nihil homini dedit Deus ipse divinius:" "Let him remember that he hath God for his witness, that is, as I suppose, his mind; than which God hath given to man nothing that is more divine."—In sum, it is the image of God: and as in the mysterious Trinity, we adore the will, memory, and understanding,—and theology contemplates three persons in the analogies, proportions, and correspondences of them; so in this also we see plainly that conscience is that likeness of God, in which he was pleased to make man. For although conscience be primarily founded in the understanding, as it is the lawgiver and dictator: and the rule and dominion of conscience "fundatur in intellectu," "is established in the understanding part;" yet it is also memory, when it accuses or excuses, when it makes joyful and sorrowful; and there is in it some mixture of will, as I shall discourse in the sequel; so that conscience is a result of all, of understanding, will, and memory.

3. But these high and great expressions are better in the spirit than in the letter; they have in them something of institution, and something of design, they tell us that conscience is a guard and a guide, a rule and a law set over us by God, and they are spoken to make us afraid to sin against our conscience, because by so doing we sin against God; he having put a double bridle upon us, society and solitude, that is, company and ourselves, or rather, God and man; it being now impossible for us to sin in any circumstances, but we shall have a reprover: ἵνα μήτε μόνωσις ἐπεγείρῃ σε πρὸς τὸ μὴ πρέπον, μήτε κοινωνία εὐαπολόγητόν σοι ποιήσῃ τὴν ἁμαρτίαν, as Hierocles[1] said well: that neither company may give countenance or excuse to sin, or solitariness may give confidence or warranty; for as we are ashamed to sin in company, so we ought to fear our conscience, which is God's watchman and intelligencer.

4. To which purpose it was soberly spoken of Tertullian,[d] "conscientia optima testis Divinitatis;" "Our conscience is the best argument in the world to prove there is a God:" for conscience is God's deputy; and the inferior must suppose a superior; and God and our conscience are like relative terms, it not being imaginable why some persons in some cases should be amazed and troubled in their minds for their having done a secret turpitude, or cruelty; but that conscience is present with a message from God, and the men feel inward causes of fear, when they are secure from without: that is, they are forced to fear God, when they are safe from men. And it is impossible that any man should be an atheist, if he have any conscience: and for this reason it is there have been so few atheists in the world, because it is so hard for men to lose their conscience wholly.

5. Quest. Some dispute whether it be possible or no for any man to be totally without conscience. Tertullian's sentence in this article is this: "Potest obumbrari, quia non est Deus: extingui non potest, quia à Deo est:" "It is not God, and therefore may be clouded: but it is from God, and therefore cannot be destroyed."—But I know a man may wholly lose the use of his reason; some men are mad, and some are natural fools, and some are sots, and stupid; such men as these lose their conscience as they lose their reason: and as some madmen may have a fancy that there is no sun, so some fools may say there is no God; and as they can believe that,—so they can lose their conscience, and believe this. But as he that hath reason or his eyes, cannot deny but there is such a thing as the sun, so neither can he that hath conscience, deny there is a God. For as the sun is present by his light which we see daily, so is God by our conscience which we feel continually: we feel one as certainly as the other.

6. (1.) But it is to be observed, that conscience is sometimes taken for the practical intellective faculty; so we say, The law of nature, and the fear of God, are written in the conscience of every man.

(2.) Sometimes it is taken for the habitual persuasion and belief of the principles written there; so we say, He is a good man, and makes conscience of his ways. And thus we also say, and it is true, that a wicked person is of a profligate and "lost conscience;" he "hath no conscience" in him. That is, he hath lost the habit, or that usual persuasion and recourse to conscience, by which good men govern their actions.

(3.) Or the word conscience is used effectively, for any single operation and action of conscience: so we speak of particulars, "I make a conscience of taking up arms in this cause." Of the first and last acceptation of the word "conscience" there is no doubt; for the last may, and the first can never, be lost: but for the second, it may be lost more or less, as any other habit can: though this with more difficulty than any thing else, because it is founded so immediately in nature, and is so exercised in all the actions and intercourses of our life, and is so assisted by the grace of God, that it is next to impossible to lose the habit entirely; and that faculty that shall to eternal ages do the offices which are the last, and such as suppose some preceding actions, I mean, to torment and afflict them for not having obeyed the former acts of dictate and command, cannot be supposed to die in the principle, when it shall be eternal in the emanation; for the worm shall never die.

For, that men do things against their conscience, is no otherwise than as they do things against their reason; but a man may as well cease to be a man, as to be wholly without conscience. For the drunkard will be sober, and his conscience will be awake next morning: this is a perpetual pulse, and though it may be interrupted, yet if the man be alive, it will beat before he dies; and so long as we believe a God, so long our conscience will at least teach us, if it does not also smite us: but as God sometimes lets a man go on in sin and does not punish him, so does conscience; but in this case, unless the man be smitten and awakened before he dies, both God and

[c] Lib. 6. de Vero Cultu. cap. 24.

[d] Lib. de Testimon. Animæ.

the conscience reserve their wrath to be inflicted in hell. It is one and the same thing, God's wrath, and an evil guilty conscience; for by the same hand by which God gives his law, by the same he punishes them that transgress the law. God gave the old law by the ministry of angels; and when the people broke it, "he sent evil angels among them;"[e] now God gives us a law in our consciences, and there he hath established the penalty; this is the "worm that never dies;" let it be trod upon never so much here, it will turn again. It cannot die here, and it shall be alive for ever.

But by explicating the parts of the rule, we shall the best understand the nature, use, and offices of conscience.

Conscience is the Mind of a Man.

7. When God sent the blessed Jesus into the world to perfect all righteousness, and to teach the world all his Father's will, it was said, and done, "I will give my laws in your hearts, and in your minds will I write them;"[f] that is, "you shall be governed by the law of natural and essential equity and reason, by that law which is put into every man's nature: and besides this, whatsoever else shall be superinduced, shall be written in your minds by the Spirit, who shall write all the laws of christianity in the tables of your consciences. He shall make you to understand them, to perceive their relish, to remember them because you love them, and because you need them, and cannot be happy without them: he shall call them to your mind, and inspire new arguments and inducements to their observation, and make it all as natural to us, as what we were born with."

8. Our mind being thus furnished with a holy rule, and conducted by a Divine guide, is called "conscience;" and is the same thing which in Scripture is sometimes called "the heart;" there being in the Hebrew tongue no proper word for conscience, but instead of it they use the word לבב: "the heart;"[g] "Oftentimes also thine own heart knoweth," that is, thy conscience knoweth, "that thou thyself hast cursed others," so in the New Testament; "Beloved, if our hearts condemn us not, then have we peace towards God,"[h] viz. if in our own consciences we are not condemned. Sometimes it is called "spirit,"[i] the third ingredient of the constitution of a christian; the spirit, distinct from soul and body. For as our body shall be spiritual in the resurrection, therefore because all its offices shall entirely minister to the spirit, and converse with spirits, so may that part of the soul,—which is wholly furnished, taught, and conducted by the spirit of grace, and whose work it is wholly to serve the spirit,—by a just proportion of reason be called the spirit. This is that which is affirmed by St. Paul; "The word of God is sharper than a two-edged sword, dividing the soul and the spirit;"[k] that is, the soul is the spirit separated by the word of God, instructed by it, and, by relation to it, is called the spirit. And this is the sense of Origen;[l] "Testimonio sane conscientiæ uti apostolus dicit eos, qui descriptam continent in cordibus legem," &c. "The apostle says, that they use the testimony of conscience, who have the law written in their hearts. Hence it is necessary to inquire what that is which the apostle calls conscience, whether it be any other substance than the heart or soul. For of this it is other where said that it reprehends, but is not reprehended, and that it judges a man, but itself is judged of no man: as John saith, 'If our conscience condemn us not, then have we confidence towards God.' And again, St. Paul himself saith in another place, 'Our glorying is this, even the testimony of our conscience;' because therefore I see so great a liberty of it, that in good things it is always glad and rejoices, but in evil things it is not reproved, but reproves and corrects the soul itself to which it does adhere; I do suppose that this is the very spirit, which by the apostle is said to be with the soul, as a pedagogue and social governor, that it may admonish the soul of better things, and chastise her for her faults, and reprove her: because, 'no man knows the things of a man but the spirit of a man which is in him;" and that is the spirit of our conscience, concerning which, he saith, "that spirit gives testimony to our spirit."—So far Origen.

9. Thus, conscience is the mind, and God "writing his laws in our minds," is, informing our conscience, and furnishing it with laws, and rules, and measures, and it is called by St. Paul, *νόμος τοῦ νοὸς*, "the law of the mind;"[m] and though it is once made a distinct thing from the mind, (as in those words,[n] "their minds and consciences are defiled,") yet it happens in this word as in divers others, that it is sometimes taken largely, sometimes specifically and more determinately: the mind is all the whole understanding part, it is the memory; so Peter "called to mind" the word that Jesus spake,[o] that is, he remembered it. It is the signification or meaning, the purpose or resolution; "No man knoweth the mind of the spirit, but the spirit."[p] It is the discursive or reasoning part; "Mary cast in her mind what manner of salutation this should be."[q] It is the assenting and determining part; "Let every man be fully persuaded in his own mind:"[r] and it is also taken for conscience, or that treasure of rules which are in order to practice. And therefore, when St. Paul intended to express the anger of God punishing evil men with evil consciences and false persuasions, in order to criminal actions, and evil worshippings, he said, "God gave them over, *εἰς νοῦν ἀδόκιμον*, to a reprobate mind,"[s] that is, to a conscience evil persuaded, furnished with false practical principles; but the return to holiness, and the improvement of a holy conscience, is called "a being renewed in the spirit of our mind,"[t] *ἀνακαίνωσις τοῦ νοὸς*, "the renovation of the mind."[u]

[e] Psal. lxxviii. 49.
[f] Heb. x. 16. Jer. xxxi. 33.
[g] Eccles. vii. 22.—Apud Syros conscientia dicitur ריעתא à radice רעי formavit, depinxit, descripsit; quia scilicet conscientiâ notat et pingit actiones nostras in tabulâ cordis.
[h] 1 John iii. 21.
[i] Prov. xviii. 14.
[k] Heb. iv. 12.
[l] In Epist. ad Rom. cap. ii. lib. 2.
[m] Rom. vii. 23.
[n] Titus i. 15.
[o] Mark xiv. 72.
[p] 1 Cor. ii. 11.
[q] Luke i. 29.
[r] Rom. xiv. 5.
[s] Rom. i. 28.
[t] Ephes. iv. 23.
[u] Rom. xii. 2.

10. Now there are two ways by which God reigns in the mind of a man; 1. Faith; and, 2. Conscience. Faith contains all the treasures of Divine knowledge and speculation. Conscience is the treasury of Divine commandments and rules in practical things. Faith tells us why; conscience tells us what we are to do. Faith is the measure of our persuasions; conscience is the measure of our actions. And as faith is a gift of God, so is conscience; that is, as the understanding of a man is taught by the Spirit of God in Scripture, what to believe, how to distinguish truth from errors; so is the conscience instructed to distinguish good and evil, how to please God, how to do justice and charity to our neighbour, and how to treat ourselves; so that when the revelations of Christ and the commandments of God are fully recorded in our minds, then we are "perfectly instructed to every good work."

Governed by a Rule.

11. St. Bernard[x] comparing the conscience to a house, says it stands upon seven pillars. 1. Good will. 2. Memory of God's benefits. 3. A clean heart. 4. A free spirit. 5. A right soul. 6. A devout mind. 7. An enlightened reason. These indeed are, some of them, the fruits and effects, some of them are the annexes and appendages, of a good conscience, but not the foundations or pillars upon which conscience is built. For as for

1. *Good Will,*—

12. Conscience relies not at all upon the will directly. For though a conscience is good or bad, pure or impure; and so the doctors of mystic theology divide and handle it; yet a conscience is not made so by the will, formally, but by the understanding. For that is a good conscience, which is rightly taught in the word of life; that is impure and defiled, which hath entertained evil and ungodly principles; such is theirs, who follow false lights, evil teachers, men of corrupt minds. For the conscience is a judge and a guide, a monitor and a witness, which are the offices of the knowing, not of the choosing faculty. "Spiritum, correctorem, et pædagogum animæ," so Origen[y] calls it; "the instructor of the soul, the spirit, the corrector."—"Naturale judicatorium," or "naturalis vis judicandi," so St. Basil; "the natural power of judging, or nature's judgment-seat."—"Lucem intellectûs nostri," so Damascen calls it; "the light of our understanding." The conscience does accuse or excuse a man before God, which the will cannot. If it could, we should all stand upright at doomsday, or at least those would be acquitted, who fain would do well, but miss, who do the things they love not, and love those they do not; that is, "they who strive to enter in, but shall not be able." But to accuse or excuse is the office of a faculty which can neither will nor choose, that is, of the conscience, which is properly a record, a book, and a judgment-seat.

13. But I said, conscience relies not upon the will directly; yet it cannot be denied, but the will hath force upon the conscience collaterally and indirectly. For the evil will perverts the understanding, and makes it believe false principles: "deceiving and being deceived" is the lot of false prophets; and they that are "given over to believe a lie," will live in a lie, and do actions relative to that false doctrine, which evil manners first persuaded and introduced. For although it cannot be, that heretics should sin in the article against the actual light of their consciences, because he that wittingly and willingly sins against a known truth, is not properly a heretic but a blasphemer, and sins against the Holy Ghost; and he that sees a heretic run to the stake or to the gallows, or the Donatist kill himself, or the Circumcellian break his own neck, with as much confidence to bear witness to his heresy, as any of the blessed martyrs to give testimony to christianity itself, cannot but think he heartily believes what so willingly he dies for; yet either heretics do sin voluntarily, and so distinguish from simple errors; or else they are the same thing, and either every simple error is damnable, or no heresy. It must therefore be observed, that

14. The will of man is the cause of its actions either mediately or immediately. Some are the next products of our will; such are pride, ambition, prejudice, and these blind the understanding, and make an evil and a corrupted conscience, making it an incompetent judge of truth and error, good and evil. So that the corruption of conscience in a heretic is voluntary in the principle, but miserable and involuntary in the product; it may proceed from the will efficiently, but it is formally a depravation of the understanding.

15. And therefore our wills also must be humble, and apt, and desirous to learn, and willing to obey. "Obedite et intelligetis;" By humility and obedience we shall be best instructed. Not that by this means the conscience shall receive direct aids, but because by this means it will be left in its own aptnesses and dispositions, and when it is not hindered, the word of God will enter and dwell upon the conscience. And in this sense it is that some say that "Conscience is the inclination and propension of the will corresponding to practical knowledge." Will and conscience are like the "cognati sensus," the touch and the taste; or the teeth and the ears, affected and assisted by some common objects, whose effect is united in matter and some real events, and distinguished by their formalities, or metaphysical beings.

2. *Memory of God's Benefits,*

16. Is indeed a good engagement to make us dutiful, and so may incline the will; but it hath no other force upon the conscience but that it reminds us of a special obligation to thankfulness, which is a new and proper tie of duty: but it works only by a principle that is already in the conscience, viz. that we are specially obliged to our gracious Lord; and the obedience that is due to God as our Lord, doubles upon us by love and zeal, when we remem-

[x] De Interior. Domo, cap. 7.

[y] Ubi supra. In Psal. xlviii.

ber him to be our bountiful Patron, and our gracious Father.

3. *A clean Heart,*

17. May be an effect and emanation from a holy conscience; but conscience in itself may be either good or bad, or it may be good when the heart is not clean, as it is in all the worst men who actually sin against conscience, doing that which conscience forbids them. In these men the principles are holy, the instruction perfect, the law remaining, the persuasions uncancelled; but against all this torrent, there is a whirlwind of passions, and filthy resolutions, and wilfulness, which corrupt the heart, while as yet the head is uncorrupted in the direct rules of conscience. But yet sometimes a clean conscience and a clean heart are the same; and a good conscience is taken for holiness: so St. Paul[z] uses the word, "holding faith and a good conscience, which some having put away have made shipwreck;" ὅτι τὴν ϑεόθεν ἥκουσαν συνείδησιν ἀπιστίᾳ κατεμίαναν,—so Clemens Alexandrinus explicates the place, "they have by infidelity polluted their divine and holy conscience:" but St. Paul seems to argue otherwise, and that they, laying aside a good conscience, fell into infidelity: their hearts and conscience were first corrupted, and then they turned heretics. But this sense of a good conscience is that, which in mystic divinity is more properly handled, in which sense also it is sometimes used in law. "Idem est conscientia quod vir bonus intrinsece," said Ungarellus[a] out of Baldus;[b] and from thence Aretine[c] gathered this conclusion, that "if any thing be committed to the conscience of any one, they must stand to his determination, "et ab eâ appellari non potest;" "there lies no appeal," "Quia vir bonus, pro quo sumitur conscientia, non potest mentiri et falsum dicere vel judicare;" "A good man, for whom the word conscience is used, cannot lie, or give a false judgment or testimony." Of this sort of conscience it is said by Ben Sirach,[d] "Bonam substantiam habet, cui non est peccatum in conscientiâ:" "It is a man's wealth to have no sin in our conscience."—But in our present and future discourses, the word conscience is understood in the philosophical sense, not in the mystical, that is, not for the conscience as it is invested with the accidents of good or bad, but as it abstracts from both, but is capable of either.

4. *A free Spirit,*

18. Is the blessing and effect of an obedient will to a well-instructed conscience, and more properly and peculiarly to the grace of chastity, to honesty and simplicity; a slavish, timorous, a childish and trifling spirit, being the punishment inflicted upon David, before he repented of his fact with Bathsheba. But there is also a freedom which is properly the privilege, or the affection of conscience, and is of great usefulness to all its nobler operations; and that is, a being clear from prejudice and prepossession, a pursuing of truths with holy purposes, and inquiring after them with a single eye, not infected with any sickness or unreasonableness. This is the same thing with that which he distinctly calls, 5. "a right soul." To this is appendant also, that the conscience cannot be constrained, it is of itself "a free spirit," and is subject to no commands, but those of reason and religion. God only is the Lord of our conscience, and the conscience is not to subject itself any more to the empire of sin, to the law of Moses, to a servile spirit, but to the laws of God alone, and the obedience of Jesus, willingly, cheerfully, and in all instances, whether the commandment be conveyed by the Holy Jesus, or by his vicegerents. But of this I shall afterwards give particular accounts.

6. *A devout Mind,*

19. May procure more light to the conscience, and assistances from the Spirit of wisdom, in cases of difficulty, and is a good remedy against a doubting and a scrupulous conscience; but this is but indirect, and by the intermission of other more immediate and proper intercourses.

But the last is perfectly the foundation of conscience.

7. *An enlightened Reason.*

20. To which if we add what St. Bernard before calls a "right soul," that is, an honest heart, full of simplicity and hearty attention, and ready assent, we have all that by which the conscience is informed and reformed, instructed and preserved, in its just measures, strengths, and relations. For the rule of conscience is all that notice of things and rules, by which God would have good and evil to be measured, that is, the will of God communicated to us by any means, by reason, and by enlightening, that is, natural and instructed. So that conscience is νοῦς φυσικὸς, and ϑεοδίδακτος, it is principled by creation, and it is instructed or illuminated in the regeneration. For God being the fountain of all good, and good being nothing but a conformity to him or to his will, what measures he makes, are to limit us. No man can make measures of good and evil, any more than he can make the good itself. Men sometimes give the instance in which the good is measured; but the measure itself is the will of God. For therefore it is good to obey human laws, because it is God's will we should; and although the man makes the law to which we are to give obedience, yet that is not the rule. The rule is the commandment of God, for by it obedience is made a duty.

Measured by the Proportions of Good and Evil.

21. That is, of that which God hath declared to be good or evil respectively, the conscience is to be informed. God hath taken care that his laws shall be published to all his subjects, he hath written them where they must needs read them, not in tables

[z] 1 Tim. i. 19.
[a] Verb. Conscientia.
[b] In c. Cum. Causa de Testi.
[c] In sect. Sed iste. Inst. t. de Act. Gl. in c. Statut. sect. Assess. Detent.
[d] Eccles. xiii. 30. alias 24.

of stone or phylacteries on the forehead, but in a secret table; the conscience or mind of a man is the φυλακτήριον, the preserver of the court-rolls of heaven. But I added this clause to the former of "a rule," because the express line of God's rule is not the adequate measure of conscience: but there are analogies and proportions, and commensurations of things with things, which make the measure full and equal. For he does not always keep a good conscience who keeps only the words of a Divine law, but the proportions also and the reasons of it, the similitudes and correspondences in like instances, are the measures of conscience.

22. The whole measure and rule of conscience is, the law of God, or God's will, signified to us by nature, or revelation; and by the several manners and times and parts of its communication it hath obtained several names: the law of nature,—the consent of nations,—right reason,—the decalogue,—the sermon of Christ,—the canons of the apostles,—the laws ecclesiastical and civil of princes and governors,—fame, or the public reputation of things, expressed by proverbs and other instances and measures of public honesty. This is

Κανὼν τοῦ καλοῦ, τὸ γ' αἰσχρὸν μαθών.

So Euripides calls it, all the rule that teaches us good or evil. These being the full measures of right and wrong, of lawful and unlawful, will be the rule of conscience, and the subject of the present books.

In order to Practice.

23. In this, conscience differs from knowledge, which is in order to speculation, and ineffective notices. And it differs from faith, because although faith is also in order to practice, yet not directly and immediately: it is a collection of propositions, the belief of which makes it necessary to live well, and reasonable, and chosen. But before the propositions of faith pass into action, they must be transmitted through another principle, and that is conscience. That Jesus Christ is the Son of God, and our Lord, and our Master, is a proposition of faith, and from thence, if we pass on to practice, we first take in another proposition; "If he be our Lord, where is his fear?"—and this is a sentence, or virtual proposition, of conscience. And from hence we may understand the full meaning of the word "conscience." Συνείδησις, and "conscientia," and so our English word conscience, have in them science or knowledge: the seat of it is the understanding, the act of it is knowing, but there must be a knowing of more together.

24. Hugo de St. Victore says, that "conscientia est cordis scientia," "conscience is the knowledge of the heart." It is so, but certainly this was not the ἔτυμον and "original" of the word. But there is truth in the following period. "Cor noscit et alia. Quando autem se noscit, appellatur conscientia; quando, præter se, alia noscit, appellatur scientia:" "knowledge hath for its object any thing without; but when the heart knows itself, then it is conscience."—So it is used in authors sacred and profane. "Nihil mihi conscius sum," saith St. Paul; "I know nothing by myself;"—"ut alios lateas; tute tibi conscius eris:" and

——— hic murus aheneus esto,
Nil conscire sibi.

So Cicero to Marcus Rutilius uses it; "Cum et mihi conscius essem, quanti te facerem;" "When I myself was conscious to myself, how much I did value thee." But this acception of the word conscience is true, but not full and adequate; for it only signifies conscience as it is a witness, not as a guide. Therefore it is more reasonable which Aquinas and the schoolmen generally use: that conscience is a conjunction of the universal practical law with the particular moral action: and so it is "scientia cum rebus facti," and then it takes in that which is called συντήρησις, or the general "repository" of moral principles or measures of good, and the particular cases as reduced to practice. Such as was the case of St. Peter, when he denied his Lord: he knew that he ought not to have done it, and his conscience being sufficiently taught his duty to his Lord, he also knew that he had done it, and then there followed a remorse, a biting, or gnawing of his spirit, grief, and shame, and a consequent weeping: when all these acts meet together, it is the full process of conscience.

(1.) The συντήρησις or the first act of conscience, St. Jerome calls "scintillam conscientiæ," "the spark" or fire put into the heart of man.

(2.) The συνείδησις, which is specifically called "conscience" of the deed done, is the bringing fuel to this fire.

(3.) And when they are thus laid together, they will either shine or burn, acquit or condemn. But this complication of acts is conscience. The first is science, practical science; but annex the second, or it and the third, and then it is conscience. When David's heart smote him, that is, upon his adultery and murder, his conscience thus discoursed: "Adultery and murder are high violations of the Divine law, they provoke God to anger, without whom I cannot live, whose anger is worse than death." This is practical knowledge, or the principles of conscience; but the following acts made it up into conscience. For he remembered that he had betrayed Uriah and humbled Bathsheba, and then he begs of God for pardon; standing condemned in his own breast, he hopes to be forgiven by God's sentence. But the whole process of conscience is in two practical syllogisms, in which the method is ever this. The συντήρησις or "repository" of practical principles begins, and where that leaves, the conscience or the witness and judge of moral actions begins, like Jacob laying hold upon his elder brother's heel. The first is this:

Whatsoever is injurious ought not to be done:
But to commit adultery is injurious:
Therefore it ought not to be done:

This is the rule of conscience, or the first act of conscience as it is a rule and a guide, and is taken for the συντήρησις, or practical "repository." But when an action is done or about to be done, con-

science takes the conclusion of the former syllogism, and applies it to her particular case.

Adultery ought not to be done:
This action I go about, or which I have done, is adultery:
Therefore it ought not to be done, or to have been done.

This is the full proceeding of this court; after which many consequent solemnities and actions do pass, of sentence, and preparatory torments and execution.

25. But this I am to admonish, that although this which I have thus defined, is the proper and full sense of the word "conscience" according to art and proper acceptation, yet in Scripture[e] it is used indifferently for an act of conscience, or any of its parts, and does not always signify in its latitude and integrity, but yet it all tends to the same signification; and though the name be given to the faculty, to the habit, to the act, to the object, to the effect, to every emanation from the mind in things practical, yet still it supposes the same thing: viz. that conscience is the guide of all our moral actions; and by giving the name to so many acts and parts and effluxes from it, it warrants the definition of it, when it is united in its own proper and integral constitution.

To conduct all our Relations and Intercourses between God, our Neighbours, and ourselves: that is, in all moral Actions.

26. This the final cause of conscience: and by this it is distinguished from prudence, which is also a practical knowledge, and reduced to particular and circumstantiate actions. But, 1. Prudence consists in the things of the world, or relative to the world; conscience in the things of God, or relating to him. 2. Prudence is about affairs as they are of advantage or disadvantage: conscience is employed about them, as they are honest or dishonest. 3. Prudence regards the circumstances of actions, whether moral or civil: conscience only regards moral actions in their substance or essential proprieties. 4. Prudence intends to do actions dexterously and prosperously; conscience is to conduct them justly and according to the commandment. 5. There are many actions in which prudence is not at all concerned, as being wholly indifferent to this or that for matter of advantage; but there is no action but must pass under the file and censure of conscience; for if we can suppose any action in all its circumstances to be wholly indifferent to good or bad; yet none is so to lawful or unlawful, the very indifferent being therefore lawful because it is indifferent, and therefore to be considered by conscience, either actually or habitually: for in this sense even our natural actions, in their time and place, are also moral; and where they are not primarily moral, yet they come under conscience, as being permitted, and innocent; but wherever they are relative to another person, they put on some degrees of morality, and are of proper cognizance in this court.

> Qui didicit, patriæ quid debeat, et quid amicis;
> Quo sit amore parens, quo frater amandus et hospes;
> Quid sit conscripti, quid judicis officium; quæ
> Partes in bellum missi ducis: ille profecto
> Reddere personæ scit convenientia cuique.[f]

That is the full effect of conscience, to conduct all our relations, all our moral actions.

RULE II.

The Duty and Offices of Conscience are to dictate, and to testify or bear Witness; to accuse or excuse; to loose or bind.

THE first and last are the direct acts and offices of conscience: the other are reflex or consequent actions, but direct offices. The first act, which is

To dictate,

Is that which divines call the συντήρησις, or the "phylactery," the keeper of the records of the laws, and by it we are taught our duty; God having written it in our hearts by nature and by the Spirit, leaves it there, ever placed before the eye of conscience, as St. Bernard calls it, to be read and used for directions in all cases of dispute of question or action: this is that which St. Paul[g] calls "the work of the law written in our hearts;" and therefore it is, that to sin against our conscience is so totally inexcusable, and according to the degree of that violence which is done against the conscience, puts on degrees. For conscience dictates whatsoever it is persuaded of, and will not suffer a man to do otherwise than it suggests and tells us:

> Αἱ γὰρ πῶς αὐτόν με μόνος καὶ θυμὸς ἀνείη
> Ὦμ' ἀποτμήξαντα κρέας ἔδμεναι· Iliad. χ.

said Achilles of Hector when he was violently angry with him: "I would my conscience would give me leave to eat thy very flesh."

2. Its universal dictates are ever the most certain, and those are the first principles of justice and religion; and whatsoever else can be infallibly and immediately inferred from thence, are her dictates also, but not primely and directly, but transmitted by the hands of reason. The same reason also there is in clear revelation. For whatsoever is put into the conscience immediately by God, is placed there to the same purpose, and with the same efficiency and persuasion, as is all that which is natural. And the conscience properly dictates nothing else, but prime natural reason, and immediate revelation; whatsoever comes after these two, is reached forth to us by two hands, one whereof alone is ministered by conscience. The reason is this: because all that law by which God governs us, is written in our hearts, put there by God immediately, that is, antecedently to all our actions; because it is that by which all

[e] Acts xxiii. 1. xxiv. 16. Rom. xiii. 5. 1 Cor. viii. 10. 1 Tim. i. 5, 19. iii. 9. 2 Tim. i. 3. Titus i. 15. 1 Pet. ii. 19. iii. 16. Heb. xiii. 18.

[f] Horat. de Arte Poet.

[g] Rom. ii. 15.

our actions are to be guided, even our discoursings and arguings are to be guided by conscience, if the argument be moral: now the ways by which God speaks to us immediately, are only nature and the Spirit: nature is that principle which taught all men from the beginning until now; all that prime practical reason which is perfective of human nature, and in which all mankind agrees. Either the perfections, or the renovations, or the superadditions to this are taught us by the Holy Spirit, and all this being written in the conscience by the finger of God, is brought forth upon all occasions of action: and whatsoever is done against any thing so placed, is directly and violently against the conscience: but when from thence reason spins a longer thread, and draws it out from the clue of natpral principles or express revelation, that also returns upon the conscience, and is placed there as light upon a wall, but not as the stones that are there: but yet whatever is done against that light, is also against conscience, but not so as the other. Just as it is in nature and accident. To eat poison and filthiness is against every man's health and stomach; but if by an *ἰδιοσυγκρασία*, "a propriety of temper," or an evil habit, or accidental inordination, wine or fish makes a man sick, then these are against his nature too, but not so as poison is, or stones. Whatever comes in the conscience primarily, or consequently, right or wrong, is brought forth upon occasion of action, and is part of her dictate: but as a man speaks some things of his own knowledge, some things by hearsay; so does conscience; some things she tells from God and herself, some things from reason and herself, or other accidental notices: those and these do integrate and complete her sermons, but they have several influence and obligation according to their proper efficiency. But of this I shall give full accounts in the second book.

To testify.

3. Conscience bears witness of our actions; so St. Paul,[h] "their conscience bearing witness;" and in this sense, conscience is a practical memory. For as the practical knowledge or notices subjected in the understanding, makes the understanding to be conscience; so the actions of our life, recorded in the memory and brought forth to practical judgments, change the memory also into conscience. *Τοῦ γὰρ γένους τῶν ἀνθρώπων ταύτῃ διαφέροντος τῶν ἄλλων ζώων, ᾗ μόνοις αὐτοῖς μέτεστι νοῦ καὶ λογισμοῦ· φανερὸν, ὡς οὐκ ἂν εἰκὸς παρατρέχειν αὐτοὺς τὴν προειφημένην διαφορὰν, καθάπερ ἐπὶ τῶν ἄλλων ζώων· ἀλλ' ἐπισημαίνεσθαι τὰ γινόμενα, καὶ δυσαρεστεῖσθαι τοῖς παροῦσι.* "Man differing from brute beasts by the use of reason, it is not likely he should be a stranger to his own actions as the beasts are: but that the evil which is done, should be recalled to their mind with the signification of some displeasure." So Polybius[i] discourses of the reason and the manner of conscience.

4. Every knowing faculty is the seat of conscience; and the same faculty, when it is furnished with speculative notions, retains its natural and proper name of understanding, or memory; but as the same is instructed with notices in order to judgments practical, so it takes the christian name of conscience. The volitive or choosing faculty cannot, but the intellectual may. And this is that book, which at doomsday shall be brought forth and laid open to all the world. The memory, changed into conscience, preserves the notices of some things, and shall be reminded of others, and shall do that work entirely and perfectly, which now it does imperfectly and by parts, according to the words of St. Paul,[k] "then shall we know as we are known;" that is, as God knows us now, so then shall we see and know ourselves. "Nullum theatrum virtuti conscientiâ majus,"[l] shall then be highly verified. Our conscience will be the great scene or theatre, upon which shall be represented all our actions good and bad. It is God's book, the book of life or death. According to the words of St. Bernard;"[m] "Ex his, quæ scripta erunt in libris nostris, judicabimur; et ideo scribi debent secundum exemplar libri vitæ, et si sic scripti non sunt, saltem corrigendi sunt:" "We shall be judged by that which is written in our own books" (the books of conscience); "and therefore they ought to be written according to the copy of the book of life; and if they be not so written, yet they ought to be so corrected."

5. Consequently to these the conscience does

Accuse or Excuse.

So St. Paul[n] joins them as consequent to the former; "their conscience bearing witness, and their thoughts in the mean time accusing or excusing one another."—"Si optimorum consiliorum atque factorum testis in omni vitâ nobis conscientia fuerit, sine ullo metu summâ cum honestate vivemus:"[o] "If our conscience be the witness that in our life we do good deeds, and follow sober counsels, we shall live in great honesty and without fear."—*Δικαστὴν Θεὸς ἐπέστησε τὸν δικαιότατον ἅμα καὶ οἰκειότατον, τὸ συνειδὸς αὐτὸ, καὶ τὸν ὀρθὸν λόγον,* said Hierocles;" "God hath constituted a most righteous and domestic judge, the conscience and right reason:" *Καὶ αὐτὸν ἑαυτῷ, ὃν πάντων μάλιστα αἰδεῖσθαι προεπαιδεύθημεν,* "Every man ought most of all to fear himself, because it is impossible but we should know what we have done amiss; and it concerns us also to make righteous judgment, for we cannot escape ourselves."—*Μηδέποτε μηδὲν αἰσχρὸν ποιήσας ἔλπιζε λήσειν· καὶ γὰρ ἂν τοὺς ἄλλους λάθῃς, σεαυτῷ γε συνειδήσεις,* said Isocrates: "Etsi à cæteris silentium est, tamen ipse sibimet conscius est posse se merito increpari," so Apuleius renders it. "Though others hold their peace, yet there is one within that will not."

Nec facile est placidam ac pacatam degere vitam,
Qui violat factis communia fœdera pacis.
Etsi fallit enim Divum genus humanumque,
Perpetuo tamen id fore clam diffidere debet.—Lucret.

[h] Rom. ii. 15.
[i] Lib. 6.
[k] 1 Cor. xiii. 12.
[l] Cicero 2. Tuscul.
[m] De Inter. Dom. lib. 2. cap. ult.
[n] Rom. ii. 15.
[o] Cicero pro Cluentio.

It is hard to be concealed from God and man too, and although we think ourselves safe for a while, yet we have something within that tells us, *οὐκ ἔστι λάθρα τι ποιοῦντα*, he that does any thing is espied, and cannot do it privately. "Quicum in tenebris?" was the old proverb: "Who was with you in the dark?"—And therefore it was that Epicurus affirmed it to be impossible for a man to be concealed always. Upon the mistake of which he was accused by Plutarch and others, to have supposed it lawful to do any injustice secretly; whereas his design was to obstruct that gate of iniquity, and to make men believe that even that sin which was committed most secretly, would some time or other be discovered and brought to punishment; all which is to be done by the extra-regular events of providence, and the certain accusations and discoveries of conscience.

6. For conscience is the looking-glass of the soul, so it was called by Periphanes in Plautus;[p]

> Non oris causâ modo homines æquum fuit
> Sibi habere speculum, ubi os contemplarent suum;
> Sed, qui perspicere possent cor, sapientiæ,
> Igitur perspicere ut possint cordis copiam.
> Ubi id inspexissent, cogitarent postea,
> Vitam ut vixissent olim in adolescentiâ.

And a man looking into his conscience, instructed with the word of God, its proper rule, is by St. James[q] compared to "a man beholding his natural face in a glass;" and that the apostle describes conscience in that similitude, is to be gathered from the word *ἔμφυτον λόγον*, "verbum insitum," "the ingrafted word," the word of God written in our hearts,—which whoso looks on, and compares his actions with his rule, may see what he is: but he that neglects this word and follows not this rule, did indeed see his face, but hath forgotten what manner of man he was, that is, what he was framed in the works of the new creation, when he was newly formed and "created unto righteousness and true holiness."

7. This accusation and watchfulness, and vocal, clamorous guards of conscience, are in perpetual attendance, and though they may sleep, yet they are quickly awakened, and make the evil man restless. *Τοὺς ἀδικοῦντας καὶ παρανομοῦντας ἀθλίως καὶ περιφόβως ζῆν τὸν πάντα χρόνον, ὅτι κἂν λαθεῖν δύνανται, πίστιν περὶ τοῦ λαθεῖν λαβεῖν ἀδύνατόν ἐστι· ὅθεν ὁ τοῦ μέλλοντος ἀεὶ φόβος ἐγκείμενος οὐκ ἐᾷ χαίρειν, οὔτε θαρρεῖν ἐπὶ τοῖς παρουσι*, said Epicurus; which is very well rendered by Seneca, "Ideo non prodest latere latentibus, quia latendi etiam si felicitatem habent, fiduciam non habent:" "They that live unjustly, always live miserably and fearfully; because although their crime be secret, yet they cannot be confident that it shall be so:" meaning, that because their conscience does accuse them, they perceive they are discovered, and pervious to an eye, which what effect it will have in the publication of the crime here and hereafter, is not matter of knowledge, but cannot choose but be matter of fear for ever.

> ——— fiet adulter
> Publicus, et pœnas metuet, quascunque mariti
> Irati debent; nec erit felicior astro
> Martis, ut in laqueos nunquam incidat. JUV. Sat. 10.

If any chance makes the fact private, yet no providence or watchfulness can give security, because within there dwells a principle of fear that can never die, till repentance kills it. And therefore Chilon in Laertius said upon this account, that "loss is rather to be chosen than filthy gain; because that loss brings sorrow but once, but injustice brings a perpetual fear and pain."

> Anne magis Siculi gemuerunt æra juvenci,
> Et magis auratis pendens laquearibus ensis
> Purpureas subter cervices terruit, Imus
> Imus præcipites, quam si sibi dicat, et intus
> Palleat infelix, quod proxima nesciat uxor. PERS. Sat. 3.

The wife that lies by his side, knows not at what the guilty man looks pale, but something that is within the bosom knows; and no pompousness of condition can secure the man, and no witty cruelty can equal the torment. For that also, although it be not directly the office of conscience, yet it is the act and effect of conscience; when itself is injured, it will never let any thing else be quiet.

To loose or bind,

8. Is the reflex act of conscience. Upon viewing the records, or the *συντήρησις*, the legislative part of conscience, it binds to duty; upon viewing the act, it binds to punishment, or consigns to comfort; and in both regards it is called by Origen, "affectuum corrector, atque animæ pædagogus," "the corrector of the affections, and the teacher of the soul."—Which kind of similitude Epictetus, in Stobæus, followed also; "Parentes pueros nos pædagogo tradiderunt, qui ubique observaret ne læderemur; Deus autem clam viros insitæ conscientiæ custodiendos tradidit; quæ quidem custodia nequaquam contemnenda est;" "As our parents have delivered us to a guardian, who did watch lest we did or suffered mischief; so hath God committed us to the custody of our conscience that is planted within us: and this custody is at no hand to be neglected."

9. The binding to duty is so an effect of conscience, that it cannot be separated from it; but the binding to punishment is an act of conscience also as it is a judge, and is intended to affright a sinner, and to punish him: but it is such a punishment as is the beginning of hell-torments, and unless the wound be cured, will never end till eternity itself shall go into a grave.

> Illo nocens se damnat quo peccat die.[r]

"The same day that a man sins, on the same day he is condemned;" and when Menelaus in the tragedy did ask,

> *Ορέστα τλήμον τίς σ' ἀπόλλυται νόσος;*

What disease killed poor Orestes? he was answered,

> *Ἡ σύνεσις, ὅτι σύνοιδα δειν' εἰργασμένος.* EURIPID.

[p] In Epidico.

[q] James i. 21, 23, 24.

[r] Apud Publianum.

His disease was nothing but an evil conscience; he had done vile things, and had an amazed spirit that distracted him, and so he died. "Curas ultrices" Virgil calls the wounds of an evil conscience, "revenging cares."—"Nihil est miserius quam animus hominis conscius," said he in the comedy;[s] "Nothing is more miserable than an evil conscience:" and the being pained with it is called τῷ συνειδότι ἀπάγχεσθαι, "to be choked or strangled" with an evil conscience, by St. Chrysostom, who, in his twenty-second homily upon the first epistle to the Corinthians, speaks much and excellently to the same purpose: and there are some that fancy this was the cause of Judas's death; the horrors of his conscience were such, that his spirits were confounded, and restless, and uneasy; and striving to go from their prison, stopped at the gates of emanation, and stifled him. It did that, or as bad; it either choked him, or brought him to a halter, as it hath done many besides him. And although I may truly say, as he did,

Non mihi si linguæ centum ———
Omnia pœnarum percurrere nomina possem,

No tongue is able to express the evils which are felt by a troubled conscience, or a wounded spirit; yet the heads of them are visible and notorious to all men.

10. (1.) The first is that which Nazianzen calls τὰς ἐν αὐτοῖς τοῖς δεινοῖς ἐξαγορεύσεις, "accusations and vexings of a man when he is in misery;" then when he needs most comfort, he shall by his evil conscience be most disquieted. A sickness awakes a dull sleeping conscience, and when it is awakened it will make that the man shall not sleep. So Antiochus[t] when his lieutenant Lysias was beaten by the Jews, he fell sick with grief, and then his conscience upbraided him; "but now" (said he) "I remember the evils that I did at Jerusalem; 'quia invenerunt me mala ista' (so the Latin Bible reads it); 'because these evils now have found me out.'" For when a man is prosperous, it is easy for him to stop the mouth of conscience, to bribe or to abuse it, to fill it with noise, and to divert it with business, to outvie it with temporal gaieties, or to be flattered into weak opinions and sentences: but when a man is smitten of God, and divested of all the outsides and hypocrisies of sin, and that conscience is disentangled from its fetters and foolish pretensions, then it speaks its own sense, it ever speaks loudest when the man is poor, or sick, or miserable. This was well explicated by St. Ambrose; "Dum sumus in quâdam delinquendi libidine, nebulis quibusdam conscientiæ mens obducitur, ne videat eorum, quæ concupiscit, deformitatem; sed cum omnis nebula transierit, gravia tormenta exercentur in quodam male conscii secretario." "A man is sometimes so surprised with the false fires and glarings of temptation, that he cannot see the secret turpitude and deformity. But when the cloud and vail are off, then comes the tormentor from within:"

[s] Plautus. [t] 1 Macc. vi. 12.

——— acuuntque metum mortalibus ægris,
Si quando lethum horrificum morbosque Deum Rex
Molitur, meritas aut bello territat urbes. Æneid. 12.

Then the calamity swells, and conscience increases the trouble, when God sends war, or sickness, or death. It was Saul's case: when he lost that fatal battle in which the ark was taken, he called to the Amalekite, "Sta super me et interfice me," "Fall upon me and slay me;" "Quoniam tenent me angustiæ," "I am in a great strait."—He was indeed; for his son was slain, and his army routed, and his enemies were round about: but then conscience stepped in, and told him of the evil that he had done in causing fourscore of the Lord's priests to be slain; and therefore Abulensis reads the words thus, "Fall upon me and slay me," "Quoniam tenent me ora vestimenti sacerdotalis," "I am entangled in the fringes of the priests' garments."—"Videbatur sibi Saul, quod propinquus morti videret sacerdotes Dei accusantes eum in judicio coram Deo:" "He thought he saw the priests of the Lord accusing him before God."—And this hath been an old opinion of the world, that, in the days of their calamity, wicked persons are accused by those whom they have injured. Not much unlike to which is that of Plato, describing the torments of wicked souls: Βοῶσι καὶ καλοῦσιν, οἱ μὲν οὓς ἀπέκτειναν, οἱ δὲ, οὓς ὕβρισαν· καλέσαντες δ' ἱκετεύουσι τοὺς ἠδικημένους δοῦναί σφισι συγγνώμην, "They roar and cry out; some calling on them whom they killed, some on those they have calumniated; and calling they pray them whom they have injured, to give them pardon." Then every bush is a wild beast, and every shadow is a ghost, and every glow-worm is a dead man's candle, and every lantern is a spirit.

——— pallidumque visa
Matris lampade respicit Neronem. Statius.

When Nero was distressed, he saw his mother's taper, and grew pale with it.

11. (2.) The second effect is shame, which conscience never fails to inflict secretly, there being a secret turpitude and baseness in sin, which cannot be better expressed than by its opposition and contradiction to conscience. Conscience, when it is right, makes a man bold; "Qui ambulat simpliciter, ambulat confidenter;" "He that walks honestly, walks confidently," because he hath innocence and he hath reason on his side. But he that sins, sins against reason, in which the honour and the nobleness of a man does consist; and therefore shame must needs come in the destitution of them. For as by reason men naturally rule, so when they are fallen from it, unless by some accidental courages they be supported, they fall into the state of slaves and sneaking people. And upon this account it was that Plato said, "Si scirem Deos mihi condonaturos, et homines ignoraturos, adhuc peccare erubescerem propter solam peccati turpitudinem:" "If I were sure God would pardon me, and men would not know my sin, yet I should be ashamed to sin, because of its essential baseness."—The mistresses of our vile affections are so ugly we cannot endure to kiss them but through a veil, either the veil of excuse, or pre-

tence, or darkness; something to hide their ugliness; and yet even these also are so thin that the filthiness and shame are not hid. "Bona conscientia turbam advocat, mala autem in solitudine anxia atque solicita est," said Seneca. An evil conscience is ashamed of light, and afraid of darkness; and therefore nothing can secure it. But being ashamed before judges, and assemblies, it flies from them into solitudes; and when it is there, the shame is changed into fear, and therefore from thence it runs abroad into societies of merry criminals, and drinking sanctuaries; which is nothing but a shutting the eyes, and hiding the head, while the body is exposed to a more certain danger. It cannot be avoided: it was and is and will eternally be true, "Perjurii pœna divina exitium; humana dedecus esto."[u] Which St. Paul perfectly renders, "the things whereof ye are now ashamed; the end of these things is death."[x] Death is the punishment which God inflicts, and shame is that which comes from man.

12. (3.) There is another effect which cannot be well told by him that feels it, or by him that sees it, what it is; because it is a thing without limit and without order. It is a distraction of mind, indeterminate, divided thoughts, flying every thing, and pursuing nothing. It was the case of Nebuchadnezzar, *οἱ διαλογισμοὶ αὐτοῦ διετάρασσον αὐτὸν*, "his thoughts troubled him." "Varios vultus, disparilesque sensus,"[y] like the sophisters who in their pursuit of vain-glory displeased the people, and were hissed from their pulpits; nothing could amaze them more; they were troubled like men of a disturbed conscience. The reason is, they are fallen into an evil condition, which they did not expect; they are abused in their hopes, they are fallen into a sad state of things, but they know not what it is, nor where they are, nor whither it will bear them, nor how to get out of it. This indeed is commonly the first part of the great evil; shame goes along with the sin, in the very acting it, but as soon as it is acted, then begins this confusion;

——— nefas tandem incipiunt sentire, peractis
Criminibus ———. JUVEN.

they thought of nothing but pleasure before; but as soon as they have finished, then they begin to taste the wormwood and coloquintida: "perfecto demum scelere, magnitudo ejus intellecta est," said Tacitus.[z] While they were doing it, they thought it little, or they thought it none, because their fancy and their passion ruled; but when that is satisfied and burst with a filthy plethory, then they understood how great their sin is, but are distracted in their thoughts, for they understand not how great their calamity shall be.

Occultum quatiente animo tortore flagellum. JUVEN.

the secret tormentor shakes the mind, and dissolves it into indiscrimination and confusion. The man is like one taken in a lie, or surprised in a shameful act of lust, or theft; at first he knows not what to say, or think, or do, and his spirits huddle together, and fain would go somewhere, but they know not whither, and do something, but they know not what.

13. This confusion and first amazement of the conscience in some vile natures, and baser persons, proceeds to impudence, and hardness of face.

——— frontemque à crimine sumunt.

When they are discovered, they rub their foreheads hard, and consider it cannot be worse, and therefore in their way they make the best of it; that is, they will not submit to the judgment of conscience, nor suffer her infliction, but take the fortune of the banditti, or of an outlaw, rather than by the rule of subjects suffer the penalty of the law, and the severity of the judge. But conscience hath no hand in this, and whatsoever of this nature happens, it is in despite of conscience; and if it proceeds upon that method, it goes on to obstinacy, hardness of heart, a resolution never to repent, a hatred of God, and reprobation. For if conscience be permitted to do its work, this confusion, when it comes to be stated, and that the man hath time to consider it, passes on to fear; and that is properly the next effect.

14. (4.) An evil or a guilty conscience is disposed for fear; shame and fear cannot be far asunder:

Ἔνθα δέος, ἐνταῦθα κ' αἰδώς.—EPICHARM.

Sin makes us ashamed before men, and afraid of God: an evil conscience makes man a coward, timorous as a child in a church-porch at midnight; it makes the strongest men to tremble like the keepers of the house of an old man's tabernacle.

Ὁ συνιστορῶν αὐτῷ τι, κἂν ᾖ θρασύτατος,
Ἡ σύνεσις αὐτὸν δειλότατον εἶναι ποιεῖ,

said Menander. No strength of body, no confidence of spirit, is a defensative against an evil conscience, which will intimidate the courage of the most perfect warrior.

Qui terret, plus iste timet: sors ista tyrannis
Convenit: invideant claris, fortesque trucident,
Muniti gladiis vivant septique venenis,
Ancipites habeant arces, trepidique minentur.

So Claudian[a] describes the state of tyrants and injurious persons; "they do evil and fear worse, they oppress brave men, and are afraid of mean fellows; they are encompassed with swords, and dwell amongst poisons, they have towers with back-doors and many outlets; and they threaten much, but themselves are most afraid." We read of Belshazzar, his knees beat against each other upon the arrest made on him by the hand on the wall, which wrote the sentence of God in a strange character, because he would not read the writing in his conscience. This fear is very great and very lasting, even in this world: and is rarely well described by Lucretius:

Cerberus et Furiæ ———
——— neque sunt usquam, neque possunt esse profecto:
Sed metus in vitâ pœnarum pro malefactis
Est insignibus insignis; sceleriscque luela
Carcer, et horribilis de saxo jacta deorsum,

[u] Cicero de Legib. lib. 2.
[y] A. Gell. lib. 5. c. 1.
[x] Rom. vi. 21.
[z] Lib. 14. Annal.
[a] De 4. Honor. Consol.

Verbera, carnifices, robur, pix, lamina, tedæ;
Quæ tamen et si absunt, et mens sibi conscia factiis,
Præmetuens, adhibet stimulos, torretque flagellis.

Which description of the evil and intolerable pains and fears of conscience is exceeded by the author of the Wisdom of Solomon,[b] "Indisciplinatæ animæ erraverunt." That is the ground of their misery; "The souls were refractory to discipline, and have erred. They oppress the holy nation."—The effect was, "they became prisoners of darkness, and fettered with the bands of a long night; 'fugitivi perpetuæ providentiæ jacuerunt,' 'they became outlaws from the Divine providence.' And while they supposed to lie hid in their secret sins, they were scattered under a dark veil of forgetfulness; 'pavente horrendè, et cum admiratione nimiâ perturbati,' 'they did fear horribly, and were disturbed with a wonderful amazement.' For neither might the corner that held them keep them from fear, but a sound descending did trouble them; 'et personæ tristes apparentes pavorem illis præstabant,' 'sad apparitions did affright them:' a fire appeared to them very formidable; 'et timore percussi ejus quæ non videbatur facie;' 'they were affrighted with the apprehensions of what they saw not:'" and all the way in that excellent description, there is nothing but fear and affrightment, horrid amazement and confusion; "pleni timore," and "tremebundi peribant," "full of fear, and they perished trembling;" and then follows the philosophy and rational account of all this. "Frequenter enim præoccupant pessima, redarguente conscientiâ." "When their conscience reproves them, they are possessed with fearful expectations." For wickedness condemned by her own witness is very timorous: "Cum enim sit timida nequitia, dat testimonium condemnata:" "Conscience gives witness and gives sentence: and when wickedness is condemned, it is full of affrightment." For fear is "præsumptionis adjutorium," the allay of confidence and presumption, and the promoter of its own apprehensions, and betrays the succours that reason yields. For indeed in this case, no reason can dispute a man out of his misery, for there is nothing left to comfort the conscience, so long as it is divested of its innocence. The prophet Jeremy[c] instances this in the case of Pashur, who oppressed the prophets of the Lord, putting them in prison, and forbidding them to preach in the name of the Lord: "Thy name shall be no more called 'Pashur,' but 'Magor Missabib,' that is 'fear round about;' for I will make thee a terror unto thyself."

15. This fear of its own nature is apt to increase; for indeed it may be infinite.

Nec videt interea, quis terminus esse malorum
Possit, nec quæ sit pœnarum denique finis.
Atque eadem metuit magis, hæc ne in morte gravescant:
Hinc Acherusia fit stultorum denique vita. Lucret.

He that fears in this case, knows not the greatness and measure of the evil which he fears; it may arrive to infinite, and it may be any thing, and it may be every thing:—and therefore there is,

16. (5.) An appendant perpetuity and restlessness; a man of an evil conscience is never at quiet. "Impietas enim malum infinitum est, quod nunquam extingui potest," said Philo:[d] he is put to so many shifts to excuse his crime before men, and cannot excuse it to God or to himself, and then he is forced to use arts of forgetfulness, that he may not remember his sorrow; he runs to weakness for excuse, and to sin for a comfort, and to the methods and paths of hell for sanctuary, and rolls himself in his uneasy chains of fire, and changes from side to side upon his gridiron, till the flesh drop from the bones on every side. This is the poet's vulture,

Immortale jecur tundens, fœcundaque pœnis
Viscera, rimaturque epulis, habitatque sub alto
Pectore; nec fibris requies datur ulla renatis. Virg.

It gnaws perpetually, and consumes not, being like the fire of hell, it does never devour, but torments for ever.

17. (6.) This fear and torment, which are inflicted by conscience, do not only increase at our death, but after death is the beginning of hell. For these are the fire of hell; ὀδυνῶμαι ἐν τῇ φλογὶ ταύτῃ, "I am tormented in this flame;" so said Dives, when he was in torments; that is, he had the torments of an evil conscience, for hell itself is not to be opened till the day of judgment; but the sharpest pain is usually expressed by fire, and particularly the troubles of mind are so signified. "Urit animum meum;" "This burns," that is, this exceedingly troubles, "my mind;"—and "Uro hominem" in the comedy, I vex him sufficiently, "I burn him;"—"Loris non ureris," "Thou art not tormented with scourgings."

Pœna autem vehemens, et multo sævior illis,
Quos et Cæditius gravis invenit et Rhadamanthus,
Nocte dieque suum gestare in pectore testem. Juven.

This is a part of hell-fire, the smoke of it ascends night and day; and it is a preparatory to the horrible sentence of doomsday, as the being tormented in prison is, to the day of condemnation and execution. The conscience in the state of separation does accuse perpetually, and with an insupportable amazement fears the revelation of the day of the Lord.

Et cum fateri furia jusserit verum,
Crogente clamet conscientiâ, *scripsi*. Martial.

"The fury within will compel him to confess," and then he is prepared for the horrible sentence; as they who upon the rack accuse themselves, and then they are carried to execution. Menippus, in Lucian,[e] says that the souls of them that are dead, are accused by the shadows of their bodies. Αὗται τοίνυν, ἐπειδὰν ἀποθάνωμεν, κατηγοροῦσι τε καὶ καταμαρτυροῦσι, καὶ διελέγχουσι τὰ πεπραγμένα ἡμῖν παρὰ τὸν βίον· and these he says are ἀξιόπιστοι, "worthy of belief," because they are always present, and never parted from their bodies; meaning, that a man's conscience, which is inseparable as a shadow, is a strong accuser and a perfect witness; and this will never leave them till it carries them to hell; and then the fear is changed into despair,

[b] Wisd. xvii. [c] Jer. xx. 3, 4. [d] De Profugis. [e] Νεκυομαντεία.

and indignation, and hatred of God, and eternal blasphemy. This is the full progress of an evil conscience, in its acts of binding.

18. Quest. But if it be inquired by what instrument conscience does thus torment a man, and take vengeance of him for his sins, whether it hath a proper efficiency in itself, and that it gives torment, as it understands, by an exercise of some natural power; or whether it be by an act of God inflicting it, or by opinion and fancy, by being persuaded of some future events which shall be certainly consequent to the sin, or by religion and belief, or lastly by deception and mere illusion, and upon being affrighted with bugbears?—I answer,

19. That it does or may afflict a man by all these. For its nature is to be inquisitive and busy, querulous and complaining; and to do so is as natural to it, as for a man to be grieved when any thing troubles him. But because men have a thousand little arts to stifle the voice of conscience, or at least that themselves may not hear it; God oftentimes awakens a man by a sudden dash of thunder and lightning, and makes the conscience sick and troublesome; just as upon other accidents a man is made sad, or hardened, or impudent, or foolish, or restless: and sometimes every dream, or sad story that the man hath heard, the flying of birds, and the hissing of serpents, or the fall of waters, or the beating of a watch, or the noise of a cricket, or a superstitious tale, is suffered to do the man a mischief and to increase his fear.

> Ergo exercentur pœnis, veterumque malorum
> Supplicia expendunt.——— VIRG.

This the poets and priests expressed by their Adrastea, Nemesis, Minos, Æacus, and Rhadamanth: not that these things were real,

> ——neque sunt usquam, neque possunt esse, profectò,

said one of them; but yet to their pains and fears they gave names, and they put on persons; and a fantastic cause may have a real event, and therefore must come from some further principle; and if an evil man be affrighted with a meteor or a bird, by the chattering of swallows, (like the young Greek in Plutarch,) or by his own shadow, (as Orestes was,) it is no sign that the fear is vain, but that God is the author of conscience,—and will, beyond the powers of nature and the arts of concealment, set up a tribunal, and a gibbet, and a rack, in the court of conscience. And therefore we find this evil threatened by God to fall upon sinners. "They that are left alive of you in the land of your captivity, I will send fainting in their hearts, in the land of their enemy, and the sound of a leaf shall chase them:"[f] and again; "The Lord shall give thee there a trembling heart, and failing of eyes, and sorrow of mind, and thy life shall hang in doubt before thee, and thou shalt fear day and night, and shalt have no assurance of thy life:"[g] and this very fear ends in death itself; it is a mortal fear sometimes; for when the prophet Isaiah[h] had told concerning Jerusalem, "Thy slain men are not slain with the sword, nor dead in battle:" to the inquiry of those who ask, How then were they slain? the answer is made by a learned gloss upon the place; "Homines hi expectato adventu hostis, velut transfossi, exanimantur metu:" "They were dead with fear, slain with the affrightments of their own conscience, as if they were transfixed by the spear of their enemies."—"Quid ergo nos à diis immortalibus divinitus expectemus, nisi irrationibus finem faciamus," said Q. Metellus in A. Gellius:[i] There is no avoiding punishment unless we will avoid sin; since even a shadow as well as substances may become a Nemesis, when it is let loose by God, and conducted by conscience.

20. But the great instrument of bringing this to pass is that certainty of persuasion which is natural in all men, and is taught to all men, and is in the sanction of all laws expressly affirmed by God, that evil shall be to them that do evil;

> Θεοὺς ἀτίζων τὶς βροτῶν, δώσει δίκην, ÆSCHYL.

"He that dishonours God, shall not escape punishment:" both in this life,

> Ultrix Erinnys impio dignum parat
> Letum tyranno——— [k]

and after this life: for so they reckoned, that adulterers, rebels, and traitors, should be kept in prisons in fearful expectation of horrid pains;

> Quique ob adulterium cæsi, quique arma secuti
> Impia, nec veriti dominorum fallere dextras,
> Inclusi pœnam expectant——— VIRG.

all this is our conscience, which, in this kind of actions and events, is nothing but the certain expectation and fear of the Divine vengeance.

21. Quest. But then why is the conscience more afraid in some sins than in others, since in sins of the greatest malignity we find great difference of fear and apprehension, when because they are of extreme malignity, there can be no difference in their demerit?

22. I answer, Although all sins be damnable, yet not only in the several degrees of sin, but in the highest of all there is great difference: partly proceeding from the Divine threatenings, partly from fame and opinion, partly from other causes.

For, (1.) There are some sins which are called "peccata clamantia," "crying sins;" that is, such which cry aloud for vengeance; such which God not only hath specially threatened with horrid plagues, but such which do seldom escape vengeance in this life, but for their particular mischief are hedged about with thorns, lest by their frequency they become intolerable. Such are sacrilege, oppression of widows and orphans, murder, sodomy, and the like. Now if any man falls into any of these crimes, he sees an angel with a sword drawn stand before him; he remembers the angry words of God, and calls to mind that so few have escaped a severe judgment here, that God's anger did converse with men, and was clothed with our circumstances, and walked around about us; and less than all this is enough to scare an evil conscience.

[f] Levit. xxvi. 36. [g] Deut. xxviii. 65. [h] Isa. xxii. 2. [i] Lib. 1. c. 6. [k] Senec. Octav. Act. 3.

But, (2.) There are some certain defensatives and natural guards which God hath placed in men against some sins; such as are, a natural abhorrency against unnatural lusts: a natural pity against murder and oppression: the double hedge of sacredness and religion against sacrilege. He therefore that commits any of these sins, does so much violence to those defensatives, which were placed either in or upon his heart, that such an act is a natural disease, and vexes the conscience, not only by a moral but by a natural instrument.

(3.) There are in these crying sins, certain accidents and appendages of horror, which are apt to amaze a man's mind: as in murder there is the circumstance and state of death, which when a man sees, and sees alone, and sees that himself hath acted, it must needs affright him; since naturally most men abhor to be alone with a dead corpse. So also in oppression of widows, a man meets with so many sad spectacles, and hears so many groans, and clamorous complaints, such importunities, and such prayers, and such fearful cursings, and perpetual weepings, that if a man were to use any artifice to trouble a man's spirit, he could not dress his scene with more advantage.

(4.) Fame hath a great influence into this effect, and there cannot easily be a great shame amongst men, but there must be a great fear of vengeance from God; and the shame does but antedate the Divine anger, and the man feels himself entering into it, when he is enwrapped within the other. A man committing a foul sin, which hath a special dishonour and singular disreputation among men, is like a wolf espied amongst the sheep: the outcry and noises among the shepherds make him fly for his life, when he hears a vengeance coming. And besides in this case, it is a great matter that he perceives all the world hates him for his crime, and that which every one decries, must needs be very hateful and formidable; and prepared for trouble.

(5.) It cannot be denied, but opinion also hath some hand in this affair; and some men are affrighted from their cradle in some instances, and permitted or connived at in others; and the fears of childhood are not shaken from the conscience in old age: as we see the persuasions of childhood in moral actions are permanent, so are the fear and hope which were the sanction and establishment of those persuasions. Education, and society, and country customs, and states of life, and the religion or sect of the man's professing, have influence into their portions of this effect.

23. The consequent of this discourse is this;—that we cannot take any direct account of the greatness or horror of a sin by the affrightment of conscience. For it is with the affrightments of conscience as it is in temporal judgments; sometimes they come not at all, and when they do, they come irregularly; and when they do not, the man does not escape. But in some sins God does strike more frequently than in others, and in some sins men usually are more affrighted than in others. The outward judgment and the inward fear are intended to be deleteries of sin, and instruments of repentance; but as some great sins escape the rod of God in this life, so are such sinners oftentimes free from great affrightments. But as he who is not smitten of God, yet knows that he is always liable to God's anger, and if he repents not, it will certainly fall upon him hereafter; so it is in conscience: he that fears not, hath never the less cause to fear, but oftentimes a greater, and therefore is to suspect and alter his condition, as being of a deep and secret danger: and he that does fear, must alter his condition, as being highly troublesome. But in both cases, conscience does the work of a monitor and a judge. In some cases conscience is like an eloquent and a fair-spoken judge, which declaims not against the criminal, but condemns him justly: in others, the judge is more angry, and affrights the prisoner more, but the event is the same. For in those sins where the conscience affrights, and in those in which she affrights not, supposing the sins equal but of differing natures, there is no other difference, but that conscience is a clock,—which in one man strikes aloud and gives warning, and in another the hand points silently to the figure, but strikes not; but by this he may as surely see what the other hears, viz. that his hours pass away, and death hastens, and after death comes judgment.

24. But by the measures of binding, we may judge of the loosing, or absolution, which is part of the judgment of conscience, and this is the greatest pleasure in the world;

> Μόνον δὲ τοῦτό φασ' ἀμιλλᾶσθαι βίῳ,
> Γνώμην δικαίαν κἀγαθὴν, ὅτῳ παρῇ. EURIPID.

A good conscience[1] is the most certain, clearest, and undisturbed felicity. "Lectulus respersus floribus bona est conscientia, bonis refecta operibus." No bed so soft, no flowers so sweet, so florid, and delicious, as a good conscience, in which springs all that is delectable, all that may sustain and recreate our spirits.—"Nullâ re tam lætari soleo quam officiorum meorum conscientiâ:" "I am pleased in nothing so much as in the remembrances and conscience of my duty," said Cicero. Upon this pillow and on this bed, Christ slept soundly in a storm,—and St. Peter in prison so fast, that the brightness of an angel could not awake him, or make him to rise up without a blow on the side. This refreshed the sorrows of Hezekiah when he was smitten with the plague, and not only brought pleasure for what was past, and so doubled the good of it,

> Vivere bis vitâ posse priore frui;

but it also added something to the number of his years,

> Ampliat ætatis spatium sibi vir bonus. MARTIAL.

And this made Paul and Silas sing in prison and in an earthquake; and that I may sum up all the good things in the world, I borrow the expression of St. Bernard, "Bona conscientia non solum sufficit ad solatium sed etiam ad coronam:" It is here a perpetual comfort, it will be hereafter an eternal crown.

[1] 2 Cor. i. 12.

25. This very thing Epicurus observed wisely, and in his great design for pleasure, commended justice as the surest instrument to procure it. So Antiphon: "Conscium esse sibi in vitâ nullius criminis, multum voluptatis parit:" and Cato in Cicero: "Conscientia bene actæ vitæ multorumque benefactorum recordatio jucundissima est." Nothing is a greater pleasure than a good conscience: for there is peace and no disturbance; καρπὸς μέγιστος ἀταραξία: "quietness is the best fruit;" and that grows only upon the tree in the midst of Paradise, upon the stock of a holy heart or conscience. Only care is to be taken, that boldness be not mistaken for peace, and hardness of heart for a good conscience. It is easy to observe the difference, and no man can be innocently abused in this affair. Peace is the fruit of a holy conscience. But no man can say, "I am at peace, therefore I have a holy conscience." But, "I have lived innocently," or "I walk carefully with my God, and I have examined my conscience severely, and that accuses me not; therefore this peace is a holy peace, and no illusion." A man may argue thus: "I am in health, and therefore the sleep I take is natural and healthful." But not thus: "I am heavy to sleep, therefore I am in health;" for his dulness may be a lethargy. A man may be quiet, because he inquires not, or because he understands not, or because he cares not, or because he is abused in the notices of his condition. But the true peace of conscience is thus to be discerned.

Signs of true Peace.

(1.) Peace of conscience is a rest after a severe inquiry. When Hezekiah was upon his death-bed as he supposed, he examined his state of life, and found it had been innocent in the great lines and periods of it; and he was justly confident.

(2.) Peace of conscience can never be in wicked persons, of notorious evil lives. It is a fruit of holiness; and therefore what quietness soever is in persons of evil lives, it is to be attributed to any other cause, rather than innocence; and therefore is to be called any thing rather than just peace. "The adulterous woman eateth and wipeth her mouth, and saith, I have done no wickedness."[m] And Pilate "washed his hands," when he was dipping them in the most innocent, the best and purest blood of the world. But St. Paul had peace, because he really had "fought a good fight." And it is but a fond way to ask a sign how to discern when the sun shines. If the sun shines we may easily perceive it, and then the beams we see are the sun-beams; but it is not a sure argument to say, I see a light, therefore the sun shines; for he may espy only a tallow-candle, or a glow-worm.

(3.) That rest which is only in the days of prosperity, is not a just and a holy peace, but that which is in the days of sorrow and affliction.[n] The noise and madness of wine, the transportations of prosperity, the forgetfulness of riches, and the voice of flatterers, outcry conscience, and put it to silence; and there is no reason to commend a woman's silence and modesty, when her mouth is stopped. But in the days of sorrow, then conscience is vocal, and her muffler is off;

> ——Invigilant animo, scelerisque patrati
> Supplicium exercent curæ: tunc plurima versat
> Pessimus in dubiis augur timor——[o]

and then a man naturally searches every where for comfort; and if his heart then condemns him not, it is great odds but it is a holy peace.

(4.) Peace of mind is not to be used as a sign that God hath pardoned our sins, but is only of use in questions of particular fact. "What evils have I done? what good have I done?" The peace that comes after this examination, is holy and good. But if I have peace in these particulars, then have I peace towards God also, as to these particulars; but whether I have pardon for other sins which I have committed, is another consideration, and is always more uncertain. But even here also a peace of conscience is a blessing that is given to all holy penitents more or less, at some time or other, according as their repentance proceeds, and their hope is exercised: but it is not to be judged of by sense, and ease, but by its proper causes: it never comes but after fear, and labour, and prayers, and watchfulness, and assiduity: and then what succeeds is a blessing, and a fair indication of a bigger.

(5.) True peace of conscience is always joined with a holy fear; a fear to offend, and a fear of the Divine displeasure for what we have offended; and the reason is, because all peace that is so allayed, is a peace after inquiry, a peace obtained by just instruments, relying upon proper grounds: it is rational, and holy, and humble; neither carelessness nor presumption is in it.

(6.) True peace of conscience relies not upon popular noises, and is not a sleep procured by the tongues of flatterers, or opinions of men, but is a peace from within, relying upon God and its own just measures. It is an excellent discourse which Seneca hath: "Est aliquando gratus, qui ingratus videtur, quæ mala interpres opinio in contrarium deducit. Hic quid aliud sequitur, quam ipsam conscientiam quæ etiam obruta delectat, quæ concioni ac famæ reclamat, et in se omnia reponit, et quum ingentem ex alterâ parte turbam contra sententiam aspexit, non numerat suffragia, sed unâ sententiâ vincit:" "Some men are thankful, who yet seem unthankful, being wronged by evil interpretation. But such a man, what else does he follow but his conscience, which pleases him, though it be overborne with slander; and when she sees a multitude of men that think otherwise, she regards not, nor reckons suffrages by the poll, but is victorious by her single sentence."[p] But the excellency and great effect of this peace he afterwards describes; "Si vero bonam fidem perfidiæ suppliciis affici videt, non descendit è fastigio, sed supra pœnam suam consistit.—Habeo, inquit, quod volui, quod petii. Non pœnitet, nec pœnitebit, nec ullâ iniquitate me eò fortuna perducet, ut hanc vocem audiam, Quid mihi volui? quid mihi nunc prodest bona voluntas? Prodest et in equuleo, prodest et

[m] Prov. xxx. 20. [n] Ecclus. xii. 26. [o] Statius Theb. lib. iii. [p] Lib. 4. de Benefic. c. 21.

in igne. Qui si singulis membris admoveatur, et paulatim unum corpus circumeat; licet ipsum corpus plenum bonâ conscientiâ stillet: placebit illi ignis, per quem bona fides collucebit:" "A good conscience loses nothing of its confidence and peace for all the tortures of the world. The rack, the fire, shall not make it to repent and say, What have I purchased? But its excellency and integrity shall be resplendent in the very flames."—And this is the meaning of the proverb used by the Levantines, "Heaven and hell are seated in the heart of man." As his conscience is, so he is happy, or extremely miserable. "What other men say of us, is no more than what other men dream of us," said St. Gregory Nazianzen;[q] it is our conscience that accuses or condemns to all real events and purposes.

26. And now all this is nothing but a persuasion partly natural, partly habitual, of this proposition which all the nations, and all the men in the world, have always entertained as the band of all their religion, and private transactions of justice and decency.—"Deum remuneratorem esse," that "God is a just rewarder" of all actions. I sum up the premises in the words of the orator: "Magna vis est conscientiæ, judices, et magna in utramque partem: ut neque timeant qui nihil commiserint; et pœnam semper ante oculos versari putent, qui peccarint."[r] On either side conscience is mighty and powerful, to secure the innocent, and to afflict the criminal.

27. But beyond these offices now described conscience does sometimes only counsel a thing to be done; that is, according to its instruction, so it ministers to holiness. If God hath put a law into our minds, conscience will force obedience, or make us to suffer for our obedience; but if a proposition, tending to holiness and its advantages, be intrusted to the conduct of conscience, then it presses it by all its proper inducements, by which it was laid up there, and leaves the spirit of a man to his liberty; but if it be not followed, it upbraids our weaknesses, and chides our follies, and reproves our despising holy degrees, and greater excellencies of glory laid up for loving and willing spirits. Such as is that of Clemens Alexandrinus,[s] in the matter of an evangelical counsel; Οὐχ ἁμαρτάνει μὲν κατὰ διαθήκην· οὐ γὰρ κεκώλυται πρὸς τοῦ νόμου· οὐ πληροῖ δὲ τῆς κατὰ τὸ εὐαγγέλιον πολιτείας, κατ' ἐπίτασιν, τελειότητα, "He that does so and so, sins not; for he is not forbidden by the law of the gospel; but yet he falls short of the perfection, that is designed and propounded to voluntary and obedient persons." To sum up this:

28. When St. Paul had reproved the endless genealogies of the Gnostics and Platonists, making circles of the same things, or of divers whose difference they understood not: as intelligence, fear, majesty, wisdom, magnificence, mercy, victory, kingdom, foundation, God, and such unintelligible stuff which would make fools stare and wise men at a loss; he subjoins a short, but a more discernible genealogy, and conjugation of things to our purpose: "The end of the commandment is love out of a pure heart, and a good conscience, and faith unfeigned:"[t] that is, out of an unfeigned faith proceeds a good conscience; that is, abstinence from sin;—and from thence comes purity of heart, or a separation from the trifling regards of the world, and all affections to sin; and these all end in charity: that is, in peace, in joy, and the fruition and love of God, in unions and contemplations in the bosom of eternity. So that faith is the first mover in the understanding part, and the next is conscience; and they both purify the heart from false persuasions, and evil affections: and then they join to the production of love and of felicity.

Thus far are the nature and offices of conscience: it will concern us next, to consider by what general measures we are to treat our conscience, that it may be useful to us in all the intentions of it, and in the designs of God.

RULE III.

Be careful that Prejudice or Passion, Fancy and Affection, Error or Illusion, be not mistaken for Conscience.

1. Nothing is more usual, than to pretend conscience to all the actions of men which are public, and whose nature cannot be concealed. If arms be taken up in a violent war; inquire of both sides, why they engage on that part respectively; they answer, because of their conscience. Ask a schismatic why he refuses to join in the communion of the church; he tells you, it is against his conscience:—and the disobedient refuse to submit to laws; and they also, in many cases, pretend conscience. Nay, some men suspect their brother of a crime, and are persuaded, as they say, in conscience that he did it: and their conscience tells them that Titius did steal their goods, or that Caia is an adulteress. And so suspicion, and jealousy, and disobedience, and rebellion, are become conscience; in which there is neither knowledge, nor revelation, nor truth, nor charity, nor reason, nor religion. "Quod volumus, sanctum est," was the proverb of Sichonius and the Donatists.

> Nemo suæ mentis motus non æstimat æquos,
> Quodque volunt homines, se bene velle putant.[u]

Every man's way seems right in his own eyes; and what they think is not against conscience, they think or pretend to think, it is an effect of conscience; and so their fond persuasions and fancies are made sacred, and conscience is pretended, and themselves and every man else is abused. But in these cases and the like, men have found a sweetness in it to serve their ends upon religion, and because conscience is the religious understanding, or the mind of a man as it stands dressed in and for re-

[q] Orat. 25.
[r] Cicero pro Milone.
[s] Stromat. lib. 4.

[t] 1 Tim. i. 5. 2 Tim. i. 3. ii. 22. Heb. ix. 14. x. 22. xiii. 18. Acts xv. 9.
[u] Prosper. Epigr. de Cohibendâ Irâ.

ligion, they think that some sacredness or authority passes upon their passion or design, if they call it conscience.

2. But by this rule it is intended that we should observe the strict measures of conscience. For an illusion may make a conscience, that is, may oblige by its directive and compulsive power. Conscience is like a king, whose power and authority are regular, whatsoever counsel he follows. And although he may command fond things, being abused by flatterers, or misinformation, yet the commandment issues from a just authority, and therefore equally passes into a law: so it is in conscience. If error or passion dictates, the king is misinformed, but the inferiors are bound to obey: and we may no more disobey our conscience commanding of evil things, than we may disobey our king enjoining things imprudent and inconvenient. But therefore this rule gives caution to observe the information and inducement, and if we can discern the abuse, then the evil is avoided. For this governor "conscience" is tied to laws, as kings are to the laws of God and nations, to justice and charity; and a man's conscience cannot be malicious: his will may; but if the error be discovered, the conscience, that is, the practical understanding, cannot. For it is impossible for a man to believe what himself finds to be an error: and when we perceive our conscience to be misguided, the deception is at an end. And therefore to make up this rule complete, we ought to be strict and united to our rule: for by that only we can be guided, and by the proportions to it we can discern right and wrong, when we walk safely, and when we walk by false fires. Concerning which, besides the direct survey of the rule and action, and the comparing each other, we may, in cases of doubt and suspicion, be helped by the following measures.

Advices for the Practice of the former Rule.

3. (1.) We are to suspect our conscience to be misinformed, when we are not willing to inquire into the particulars. He that searches, desires to find, and so far takes the right course: for truth can never hurt a man, though it may prejudice his vice, and his affected folly. In the inquiries after truth, every man should have a traveller's indifferency, wholly careless whether this or that be the right way, so he may find it. For we are not to choose the way because it looks fair, but because it leads surely. And to this purpose, the most hearty and particular inquest is most prudent and effective. But we are afraid of truth when we will not inquire, that is, when the truth is against our interest or passion, our lust or folly, that is, seemingly against us, in the present indisposition of our affairs.

4. (2.) He that resolves upon the conclusion before the premises, inquiring into particulars to confirm his opinion at a venture, not to shake it if it be false, or to establish it only in case it be true, unless he be defended by chance, is sure to mistake, or at least can never be sure whether he does or no.

This is to be understood in all cases to be so, unless the particular unknown be secured by a general that is known. He that believes Christ's advocation and intercession for us in heaven upon the stock of scripture, cannot be prejudiced by this rule, although, in the inquiries of probation and arguments of the doctrine, he resolve to believe nothing that shall make against his conclusion; because he is ascertained by a proposition that cannot fail him. The reason of this exception is this, because in all discourses which are not perfectly demonstrative, there is one lame supporter, which must be helped out by the better leg; and the weaker part does its office well enough, if it can bring us to a place where we may rest ourselves and rely. He that cannot choose for himself, hath chosen well enough, if he can choose one that can choose for him; and when he hath, he may prudently rely upon such a person in all particulars, where he himself cannot judge, and the other can, or he thinks he can, and cannot well know the contrary. It is easier to judge of the general lines of duty, than of minutes and particulars: and travellers that are not well skilled in all the little turnings of the ways, may confidently rely upon a guide whom they choose out of the natives of the place; and if he understands the coast of the country, he may well harden his face against any vile person, that goes about wittily to persuade him he must go the contrary way, though he cannot answer his arguments to the contrary. A man may prudently and piously hold a conclusion, which he cannot defend against a witty adversary, if he have one strong hold upon which he may rely for the whole question; because he derives his conclusion from the best ground he hath, and takes the wisest course he can, and uses the best means he can get, and chooses the safest ways that are in his power. No man is bound to do better than his best.

5. (3.) Illusion cannot be distinguished from conscience, if, in our search, we take a wrong course and use incompetent instruments. He that will choose to follow the multitude which easily errs, rather than the wise guides of souls; and a man that is his partner in the question, rather than him that is disinterested; and them that speak by chance, rather than them who have studied the question: and a man of another profession, rather than him whose office and employment it is to answer,—hath no reason to be confident he shall be well instructed. John Nider[x] tells an apologue well enough to this purpose:—Two brethren travelling together, whereof one was esteemed wise, and the other little better than a fool, came to a place where the way parted. The foolish brother espying one of them to be fair and pleasant, and the other dirty and uneven, would needs go that way, though his wiser brother told him, that in all reason that must needs be the wrong way; but he followed his own eyes, not his brother's reason: and his brother being more kind than wise, though against his reason, followed his foolish brother; they went on till they fell into the hands of thieves, who robbed them and imprisoned them, till they could redeem themselves with a sum of money. These brothers accuse each other before the king

[x] In Lavacro Conscient.

as author of each other's evil. The wiser complained that his brother would not obey him, though he was known to be wiser, and spake reason. The other complained of him for following him that was a fool, affirming, that he would have returned back, if he had seen his wise brother confident, and to have followed his own reason. The king condemned them both; the fool, because he did not follow the direction of the wise,—and the wise, because he did follow the wilfulness of the fool. So will God deal with us at the day of judgment in the scrutinies of conscience. If appetite refuses to follow reason, and reason does not refuse to follow appetite, they have both of them taken incompetent courses, and shall perish together. It was wisely said of Brutus[y] to Cicero, "Malo tuum judicium, quàm ex alterâ parte omnium istorum. Tu enim à certo sensu et vero judicas de nobis; quod isti ne faciant, summâ malevolentiâ et livore impediuntur:" "I prefer thy judgment singly, before all theirs, because thou judgest by intuition of the thing; they cannot do that, being hindered by envy and ill-will."—The particulars of reducing this advice to practice in all special cases, I shall afterwards enumerate; for the present I say this only, that a man may consent to an evil authority, and rest in a false persuasion, and be conducted by an abused conscience, so long as the legislative reason is not conjoined to the judge conscience, that is, while by unapt instruments we suffer our persuasions to be determined.

6. (4.) That determination is to be suspected, that does apparently serve an interest, and but obscurely serve a pious end:

Utile quod nobis, do tibi consilium:[z]

When that appears, and nothing else appears, the resolution or counsel is to be considered warily before it be pursued. It is a great allay to the confidence of the bold talkers in the church of Rome, and hinders their gain and market of proselytes from among the wise and pious very much,—that most of their propositions, for which they contend so earnestly against the other parts of Christendom, do evidently serve the ends of covetousness and ambition, of power and riches, and therefore stand vehemently suspected of design and art, rather than of piety or truth of the article, or designs upon heaven. I instance in the pope's power over princes and all the world; his power of dispensation; the exemption of the clergy from jurisdiction of secular princes; the doctrine of purgatory and indulgences, by which once the friars were set a work to raise a portion for a lady, the niece of Pope Leo X.; the doctrine of transubstantiation, by the effects and consequence of which, the priests are made greater than angels, and next to God; and so is also that heap of doctrines, by the particulars of which the ecclesiastical power is far advanced beyond the authority of any warrant from Scripture, and is made highly instrumental for procuring absolute obedience to the papacy. In these things every man with half an eye can see the temporal advantage; but how piety and truth shall thrive in the mean while, no eye hath yet been so illuminate as to perceive. It was the advice of Ben Sirach,[a] "Consult not with a woman touching her of whom she is jealous; neither with a coward in matters of war; nor with a merchant concerning exchange; nor with a buyer of selling; nor with an envious man of thankfulness; nor with an unmerciful man touching kindness; nor with the slothful for any work; nor with the hireling for a year of finishing work; nor with an idle servant of much business; hearken not unto these in any matter of counsel." These will counsel by their interest, not for thy advantage.

But it is possible that both truth and interest may be conjoined; and when a priest preaches to the people the necessity of paying tithes, where they are by law appointed, or when a poor man pleads for charity, or a man in debt urges the excellency of forgetfulness; the truth which they discourse of, cannot be prejudiced by their proper concernments. For if the proposition serves the end in religion, in providing for their personal necessities, their need makes the instances still the more religious, and the things may otherwise be proved. But when the end of piety is obscure, or the truth of the proposition is uncertain, then observe the bias; and if the man's zeal be bigger than the certainty of the proposition, it is to be estimated by the interest, and to be used accordingly.

But this is not to prejudice him that gives the counsel: for although the counsel is to be suspected, yet the man is not, unless by some other indications he betray himself. For he may be heartily and innocently persuaded of the thing he counsels, and the more easily and aptly believe that, against which himself did less watch, because he quickly perceived it could not be against himself.

Add to this, the counsel is the less to be suspected, if it be asked, than if it be offered. But this is a consideration of prudence, not of conscience directly.

7. (5.) If the proposition serve or maintain a vice, or lessen a virtue, it is certainly not conscience, but error and abuse; because no truth of God can serve God's enemy directly, or by its own force and persuasion. But this is to be understood only in case the answer does directly minister to sin, not if it does so only accidentally. Q. Furius is married to Valeria; but she being fierce and imperious, quarrelsome and loud, and he peevish and fretful, turns her away that he might have peace and live in patience. But being admonished by Hortensius the orator, to take her again,—he asked counsel of the priests, and they advised him to receive her. He answers, that then he cannot live innocently, but in a perpetual state of temptation, in which he daily falls. The priest replies, that it is his own fault; let him learn patience, and prudence; for his fault in this instance is no warranty to make him neglect a duty in another; and he answered rightly. If he had counselled him to drink intemperately to make him forget his sorrow, or to break her bones to make her silent, or to keep company with harlots to vex her into compliance, his counsel had ministered directly to sin, and might not be received.

[y] Lib. 11. Famil. Epist. [z] Martial. lib. 5. ep. 20.

[a] Ecclus. xxxvii. 11.

8. (6.) Besides the evidence of the thing, and a direct conformity to the rule, to be judged by every sober person, or by himself in his wits, there is ordinarily no other collateral assurance, but an honest hearty endeavour in our proportion, to make as wise inquiries as we can, and to get the best helps which are to be had by us, and to obey the best we do make use of. To which (because a deception may tacitly creep upon our very simplicity) if we add a hearty prayer, we shall certainly be guided through the labyrinth, and secured against ourselves, and our own secret follies. This is the counsel of the son of Sirach;[b] "Above all this, pray to the Most High, that he will direct thy way in truth."

RULE IV.

The Conscience of a vicious Man is an evil Judge, and an imperfect Rule.

1. THAT I mean the superior and inferior part of conscience, is therefore plain, because the rule notes how the acts of conscience may be made invalid, both as it is a ruler, and as it is a judge. But, according to the several offices, this truth hath some variety.

2. (1.) The superior part of conscience, or the συντήρησις, repository of practical principles, (which for use and brevity's sake, I shall call the phylactery,) or the keeper of records: that is, that part which contains in it all the natural and reasonable principles of good actions, (such as are, God is to be worshipped,—Do to others as they should do to thee,—The pledge is to be restored,—By doing harm to others thou must not procure thy own good, and the like,) is always a certain and regular judge in the prime principles of reason and religion, so long as a man is in his wits, and hath the natural use of reason. For those things which are first imprinted, which are universal principles, which are consented to by all men without a teacher, those which Aristotle calls κοινὰς ἐννοίας, those are always the last removed, and never without the greatest violence and perturbation in the world. But it is possible for a man to forget his name and his nature: a lycanthrophy made Nebuchadnezzar to do so, and a fever made a learned Greek do so: but so long as a man's reason is whole, not destroyed by its proper disease; that is, so long as a man hath the use of reason, and can and will discourse, so long his conscience will teach him the general precepts of duty; for they are imprinted in his nature, and there is nothing natural to the soul, if reason be not; and no reason is, unless its first principles be, and those first principles are most provided for, which are the most perfective of a man, and necessary to his well-being, and those are such which concern the intercourse between God and man, and between men in the first and greatest lines of their society. The very opening of this chain is sufficient proof; it is not necessary to intricate it by offering more testimony.

[b] Ecclus. xxxvii. 15.

3. (2.) But then these general principles are either to be considered as they are habitually incumbent on the mind, or as actually applied to practice. In the former sense they can never be totally extinguished, for they are natural, and will return whenever a man ceases from suffering his greatest violence; and those violences, which are so destructive of nature, as this must be that makes a man forget his being, will fall off upon every accident and change. "Difficile est personam diù sustinere." But then when these principles come to be applied to practice, a strong vice and a malicious heart can draw a veil over them, that they shall not then appear to disorder the sensual resolution. A short madness, and a violent passion, or a fit of drunkenness, can make a man securely sin by incogitancy, even when the action is in the manner of a universal principle. No man can be brought to that pass, as to believe that God ought not to be honoured; but supposing there is a God, it is unavoidable that this God must be honoured: but a transient and unnatural violence intervening in a particular case, suspends the application of that principle, and makes the man not to consider his rule; and there he omits to worship and honour this God in many particulars to which the principle is applicable. But this discourse is coincident with that question, whether conscience may be totally lost? of which I have already given accounts.[c] That and this will give light to each other.

4. (3.) But further, there are also some principles which are indeed naturally known, that is, by principles of natural reason: but because they are not the immediate principles of our creation and proper being, they have the same truth, and the same seat, and the same certainty; but not the same prime evidence, and connaturality to the soul; and therefore these may be lost, or obscured to all purposes of usefulness, and their contradictories may be admitted into the rule of conscience. Of this nature, I reckon, that fornication, violent and crafty contracts, with many arts of deception, and overreaching our brother, theft, incest in some kinds, drunkenness, and the like, are to be avoided. For concerning these, it is certain that some whole nations have so abused their conscience by evil manners, that the law in their mind hath been cancelled, and these things have passed for lawful. And to this day, that duels may be fought by private persons, and authority, is a thing so practised by a whole sort of men, that it is believed: and the practice, and the belief of the lawfulness of it, are interchangeably daughter and mother to each other. These are such of whom the apostle speaks,[d] they are "given over to believe a lie," they are delivered "to a reprobate mind." And this often happens, and particularly in those cases wherein one sin is inferred by another naturally, or morally, or by withdrawing of the Divine grace.

5. (4.) Wherever the superior or the ruling part of conscience is an imperfect rule; in the same cases the inferior is an evil judge, that is, acquits the criminal, or condemns the innocent, calling good

[c] In rule 1. numb. 5. et seq. [d] Rom. i. 28.

evil, and evil good: which is to be understood when the persuasion of the erring conscience is permanent and hearty, not sudden, and by the rapid violence of a passion; for in this case the conscience condemns as soon as that is acted, to which, before the action, it was cozened and betrayed: but it proceeds only in abiding and lasting errors. And this is the cause why so many orders of persons continue in a course of sin with delight, and uninterrupted pleasure, thinking rebellion to be a just defence, sacrilege a lawful title; while other men, that are otherwise and justly persuaded, wonder at their peace, and hate their practices. Our blessed Lord foretold concerning the persecutors of the church, that they should "think they did God good service." But such men have an evil portion, they sing in the fire, and go dancing to their graves, and sleep on till they be awakened in hell. And on the other side, this is because of superstition, and scruples, and sometimes of despairing and unreasonable fears, when the conscience is abused by thinking that to be sin, which is none.

RULE V.

All Consciences are to walk by the same Rule; and that which is just to one, is so to all, in the like Circumstances.

1. If all men were governed by the same laws, and had the same interest, and the same degrees of understanding, they would perceive the truth of this conclusion. But men are infinitely differenced by their own acts and relations, by their understandings and proper economy, by their superinduced differences and orders, by interest and mistake, by ignorance and malice, by sects and deceptions. And this makes that two men may be damned for doing two contradictories: as a Jew may perish for not keeping of his sabbath, and a christian for keeping it; an iconoclast for breaking images, and another for worshipping them: for eating, and for not eating; for receiving the holy communion, and for not receiving it; for coming to church, or staying at home.

2. But this variety is not directly of God's making, but of man's. God commands us to walk by the same rule, and to this end, τὸ αὐτὸ φρονεῖν, "to be of the same mind;" and this is ἀκρίβεια συνειδήσεως, "the exactness of our conscience;" which precept were impossible to be observed, if there were not one rule, and this rule also very easy. For some men have but a small portion of reason and discretion, and they cannot help it; and yet the precept is incumbent upon them all alike; and therefore as the rule is one, so it is plain and easy, and written in every man's heart; and as every man's reason is the same thing, so is every man's conscience; and this comes to be altered, just as that.

3. Neither is the unity of the rule prejudiced by the infinite difference of cases. For as a river, springing from the mountains of the east, is tempted by the levels of the ground and the uneasiness of its passage, to make some turns backward towards its head, even while it intends westward; so are the cases of conscience branched out into instances, sometimes of contrary proceedings, which are to be determined to cross effects, but still upon the same account. For in all things of the world the obligation is uniform, and it is of the same persuasion.

The case is this:

4. Autolycus robbed the gardens of Trebonius, and asked him forgiveness, and had it. But when Trebonius was chosen consul, and Autolycus robbed him again, and was taken by others, and as a thief brought before him, he asked forgiveness again; but Trebonius condemned him to the galleys: for he who being a private man was bound to forgive a repenting trespasser, being a magistrate was bound not to forgive him; and both these were upon the same account. A man may forgive an injury done to himself, because it is his own right, and he may alone meddle in it; but an injury done to the commonwealth, she only could forgive, not her minister. So,

5. He that fasted upon a Saturday in Ionia or Smyrna, was a schismatic; and so was he who did not fast at Milan or Rome upon the same day, both upon the same reason:

> Cum fueris Romæ, Romano vivito more;
> Cum fueris alibi, vivito sicut ibi;

because he was to conform to the custom of Smyrna, as well as to that of Milan, in the respective diocesses.

6. To kill a man, in some cases, defiles a land; in others, it cleanses it, and puts away blood from the people; and it was plain in the case of circumcision. St. Paul did it, and did it not; both because he ought, and because he ought not; and all upon the same account and law of charity. And therefore all inquiries, and all contentions, and questions, should be relations to the rule, and be tried by nothing but a plain measure of justice and religion, and not stand or fall by relations to separate propositions and distinct regards. For that is one and easy; these are infinite, uncertain, and contradictory. Τοῦτ' ἔστι τὸ αἴτιον ἀνθρώποις πάντων τῶν κακῶν τὸ τὰς προλήψεις τὰς κοινὰς μὴ δύνασθαι ἐφαρμόζειν ταῖς ἐπὶ μέρους. "It is a very great cause of mischief not to be able to deduce general propositions, and fit them to particular cases," said Arrianus.* But because all men cannot, therefore there will be an eternal necessity of spiritual guides, whose employment, and the business of their life, must be to make themselves able "respondere de jure," "to answer in matters of law," and they also must be truly informed in the matters of fact.

RULE VI.

In Conscience, that which is first, is truest, easiest, and most useful.

1. There are some practices, which, at the first sight, and by the very name and nature of the

* In Epictet. lib. 3. c. 26.

things themselves, seem as directly unreasonable and against a commandment, as any other thing of the foulest reproach; and yet, object the sin to the owners, and they will tell so many fine stories, and struggle, and distinguish, and state the question in a new manner, and chop it into fragments, and disguise the whole affair, that they do not only content and believe themselves, but also lessen the confidence of the adversary, and make a plain rule an uneasy lesson. I instance in the question of images, the making of some of which, and the worshipping of any, does at the first sight as plainly dash against the second commandment, as adultery does against the sixth. But if you examine the practice of the Roman church, and estimate them by the more wary determination of the article in Trent, and weigh it by the distinctions and laborious devices of its patrons, and believe their pretences and shows, it must needs be that you will abate something of the reproof; and yet all the while the worship of images goes forward: and if you lay the commandment over-against the devices and distinctions, it will not be easy to tell what the commandment does mean; and yet because it was given to the meanest understandings, and was fitted for them, either the conscience is left without a clear rule, or that sense is to be followed which stands nearest the light, that which is next to the natural and proper sense of the words. For it is certain God put no disguises upon his own commandments, and the words are meant plainly and heartily; and the further you remove from their first sense, the more you have lost the purpose of your rule. In matters of conscience, that is the best sense which every wise man takes in, before he hath sullied his understanding with the disguises of sophisters and interested persons; for then they speak without prejudice and art, that is, so as they should speak, who intend to guide wise men, and all men.

2. But this is to be understood otherwise, when the first sense of the words hath, in its letter, a prejudice open and easy to be seen; such as is that of "putting out the right eye," or "cutting off the hand." The face is a vizor and a metaphor, and the heart of it only is the commandment, and that is to be understood by the measures of this rule; that is, the prime and most natural signification is the best, that which is of nearest correspondency to the metaphor and the design of the speaker, and the occasion and matter of discourse.

3. But in all things where the precept is given in the proper style of laws, and the veil is off, and the words are plain, he that takes the first sense is the likeliest to be well guided. If a war be commenced between a king and his people, he that is willing to read his duty, may see it in the words of Christ and of three apostles, and it is easy to know our duty; but when we are engaged against our prince, it is certain we are hugely put to it to make it lawful, and when our conscience must struggle for its rule, it is not so well as when it takes that which lies easy before us. Truth is easy, error is intricate and hard. If none but witty men could understand their duty, the ignorant and idiot could not be saved; but in the event of things it will be found that this man's conscience was better guided while simplicity held the taper, than by all the false fires of art, and witty distinctions. "Qui ambulat simplicitèr, ambulat confidentèr," saith Solomon. It is safer to walk upon plain ground, than with tricks and devices to dance upon the ropes.

RULE VII.

Conscience by its several Habitudes and Relations or Tendencies towards its proper Object, is divided into several Kinds.

1. CONSCIENCE in respect of its information, or as it relates to its object, taken materially, and in the nature of the thing, is either true or false, right or wrong; true when it is rightly informed, and proceeds justly; false when it is deceived. Between these, as participating of either extreme, stands the probable conscience; which if we consider as it relates to its object, is sometimes right and sometimes wrong, and so may be reduced to either, according as it is in the event of things. For in two contradictories which are both probable, as if one be, both are; if one part be true, the other is false; and the conscience of the several men holding the opposite parts, must be so too, that is, right and wrong, deceived and not deceived, respectively. The division then of conscience, in respect of its object, is tripartite.

2. For in all questions, if notice can be certainly had, he that gets the notice, hath a true conscience; he that misses it, hath a false or erring conscience. But if the notices that can be had, be uncertain, imperfectly revealed, or weakly transmitted, or understood by halves, or not well represented; because the understanding cannot be sure, the conscience can be but probable. But according as the understanding is fortunate, or the man wise and diligent, and honest enough to take the right side of the probability, so the conscience takes its place in the extreme, and is reduced to right or wrong accordingly.

3. But to be right or wrong, is wholly extrinsical to the formal obligation of conscience, as it is a judge and a guide, and to the consequent duty of the man. For an erring conscience binds as much as the right conscience, directly and immediately, and collaterally more; that is, the man who hath an erring conscience, is tied to more and other duties, than he that is in the right. The conscience binds because it is heartily persuaded, not because it is truly informed; not because it is right, but because it thinks so.

4. It does indeed concern the duty of conscience, and its felicity, to see that it be rightly instructed, but as to the consequence of the action, it is all one; this must follow whatsoever goes before. And therefore, although it concerns the man, as much as his felicity and all his hopes come to, to take care that his conscience be not abused in the matter of duty; yet a right and a wrong conscience

are not made distinct guides and different judges. Since therefore we are to consider and treat of conscience, as it is the guide of our actions, and judge of our persons, we are to take it in other aspects, than by a direct face towards its object; the relation to which alone, cannot diversify its kind, so much as to become a universal rule to us in all cases and emergencies.

5. Now because intellectual habits, employed about the same general object, have no way to make them of different natures, but by their formal tendencies, and different manners of being affected with the same object; we are, in order to the perfect division and assignation of the kinds of conscience, to consider the right conscience, either as it is sure, or as it is only confident, but not sure. For an erring conscience and the unerring are the same judge, and the same guide, as to the authority and persuasion, and as to the effect upon the person; but yet they differ infinitely in their rule; and the persons under their conduct differ as much in their state and condition. But our conscience is not a good guide unless we be truly informed, and know it. For if we be truly informed, and know it not, it is an uncertain and an imperfect guide. But if we be confident and yet deceived, the uncertainty and hesitation are taken off, but we are still very miserable. For we are like an erring traveller, who being out of the way, and thinking himself right, spurs his horse and runs full speed: he that comes behind, is nearer to his journey's end.

6. That therefore is the first kind of conscience, the right, sure conscience; and this alone is fit to be our guide; but this alone is not our judge.

7. (2.) Opposite to this is the confident or erring conscience; that is, such which indeed is misinformed, but yet assents to its object with the same confidence as does the right and sure; but yet upon differing grounds, motives, and inducements: which because they are always criminal, although the assent is peremptory and confident, yet the deception is voluntary and vicious in its cause; and therefore the present confidence cannot warrant the action, it only makes the sinner bold. So that these two differ in their manner of entering into the assent; the one entering by the door, the other by the breaches of the wall: good will and bad, virtue and vice, duty and sin, keeping the several keys of the persuasion and consent.

8. This erring conscience I therefore affirm to be always voluntary and vicious in its principle, because all God's laws are plain in all matter of necessary duty: and when all men are to be guided, learned and unlearned, the rule is plain and easy, because it is necessary it should be so. But therefore if there happen any invincible ignorance, or involuntary deception, it is there where the rule is not plain; and then the matter is but probable, and then the conscience is according. And this makes the third kind of conscience, in respect of the different manner of being affected with the object.

9. (3.) The probable conscience is made by that manner of assent to the object, which is indeed without fear, but not without imperfection. The thing itself is of that nature, that it cannot properly make faith or certainty of adherence; and the understanding considers it as it is represented without any prejudice or prepossession; and then the thing must be believed as it deserves, and no more: but because it does not deserve a full assent, it hath but an imperfect one; but it is perfect enough in its kind, that is, it is as much as it ought to be, as much as the thing deserves. These are all the kinds of conscience that are perfect.

10. (4.) But sometimes the state and acts of conscience are imperfect; as the vision of an evil eye, or the motion of a broken arm, or the act of an imperfect or abused understanding: so the conscience in some cases is carried to its object but with an imperfect assent, and operates with a lame and deficient principle; and the causes of it are the vicious or abused affections, accidents or incidents to the conscience. Sometimes it happens, that the arguments of both the sides in a question seem so indifferent, that the conscience being affrighted and abused by fear and weakness, dares not determine, and consequently dares not do any thing; and if it be constrained to act, it is determined from without, not by itself, but by accidents and persuasion, by importunity or force, by interest or fear: and whatever the ingredient be, yet when it does act, it acts with fear, because it reflects upon itself, and considers it hath no warrant, and therefore whatever it does becomes a sin. This is the calamity of a doubting conscience. This doubting does not always proceed from the equality of the parts of the question, but sometimes wholly from want of knowing any thing of it: as if we were put to declare whether there were more men or women in the world? Whether the number of the stars were even or odd? Sometimes from inconsideration, sometimes from surprise, sometimes from confusion and disease; but from what principle soever it be, there is always some fear in it. This conscience can neither be a good guide, nor a good judge: we cannot do any thing by its conduct, nor be judged by it; for all that can be done before or after it, is not by it, but by the suppletories of the perfect conscience.

11. (5.) A less degree of this evil, is that which by the masters of moral theology is called the scrupulous conscience, which is not a distinct kind of conscience, as is usually supposed, but differs from the doubting conscience only in the degrees of the evil. The doubt is less, and the fear is not so violent as to make it unlawful to do any thing: something of the doubt is taken off, and the man can proceed to action without sin, but not without trouble; he is uneasy and timorous, even when he is most innocent; and the causes of this are not only portions of the same weaknesses which cause the doubting conscience; but sometimes superstition, and melancholy, and pusillanimity, and mean opinions of God, are ingredients into this imperfect assent: and in such cases, although the scrupulous man may act without sin, and produce his part of the determination, yet his scruple is not innocent, but sometimes criminal, but always calamitous. This is like a mote in the eye, but a doubt is like a beam.

12. This conscience may be a right guide, but dares not be a judge: it is like a guide in the dark, that knows the way, but fears every bush; and because he may err, thinks he does. The effect of this imperfection is nothing but a heartless and uncomfortable proceeding in our duty, and what else the devil can make of it, by heightening the evil and abusing the man, who sits upon a sure foundation, but dares not trust it; he cannot rely upon that, which yet he cannot disbelieve.

13. (6.) There are some other affections of conscience, and accidental appendages; but because they do not vary the manner of its being affected with its proper object, they cannot diversify conscience into several kinds, as it is a guide and judge of human actions. But because they have no direct influence upon our souls, and relate not to duty, but are to be conducted by rules of the other kinds, I shall here only enumerate their kinds, and permit to preachers to discourse of their natures and collateral obligations to duty, of their remedies and assistances, their advantages and disadvantages respectively. These also are five: 1. The tender conscience. 2. The hardened or obdurate. 3. The quiet. 4. The restless or disturbed. 5. And lastly, The perverse conscience. Concerning which, I shall at present say this only: that the two first are seated principally in the will, but have a mixture of conscience, as docibility hath of understanding. The two next are seated in the fancy, or the affections, and are not properly placed in conscience, any more than love, or desire, but yet from conscience they have their birth. And for the last, it is a heap of irregular principles, and irregular defects, and is the same in conscience, as deformity is in the body, or peevishness in the affections.

CHAPTER II.

OF THE RIGHT OR SURE CONSCIENCE.

RULE I.

A right Conscience is that which guides our Actions by right and proportioned Means to a right End.

THE end is, God's glory, or any honest purpose of justice or religion, charity or civil conversation. Whatsoever is good for us or our neighbours in any sense perfective of our being as God purposed it, all that is our end. The means ought to be such as are apt instruments to procure it. If a man intends to live a severe life, and to attend religion, his end is just and fair, and so far his conscience is right: but if his conscience suggest to him, that he to obtain his end should erect colleges of women; and in the midst of feasts, and songs, and society, he should preach the melancholy lectures of the cross, it is not right; because the end is reached at by a contrary hand. But when it tells him, that to obtain continence he must fast and pray, watch diligently, and observe prudently, labour and read, and deny his appetite in its daily attempts upon him, then it is a right conscience. For a right conscience is nothing but right reason reduced to practice, and conducting moral actions. Now all that right reason can be defined by, is the propounding a good end, and good means to that end.

RULE II.

In a right Conscience, the practical Judgment, that is, the last Determination to an Action, ought to be sure and evident.

1. THIS is plain in all the great lines of duty, in actions determinable by the prime principles of natural reason, or Divine revelation; but it is true also in all actions conducted by a right and perfect science. This relies upon all that account on which it is forbidden to do actions of danger, or doubt, lest we perish in the danger:—which are to be handled in their proper place. But for the present we are to observe, that in the question of actions, whose rule is not notorious and primely evident, there is or may be a double judgment.

2. The first judges the thing probable by reason of the differing opinions of men wise and pious; but in this there is a fear or suspicion of the contrary, and therefore in the direct act nothing is certain. But there is also, secondly, a reflex act of judgment; which upon consideration that it is certain that a probable action may lawfully be done, or else, that that which is but probable in the nature of the thing (so far as we perceive it) may yet, by the superadding of some circumstances, and prudential considerations, or by equity or necessity, become more than probable in the particular; although, I say, the conscience be uncertain in the direct act, yet it may be certain, right, and determined, in the reflex and second act of judgment; and if it be, it is innocent and safe, it is that which we call the right, sure conscience.

3. For in moral things there cannot ordinarily be a demonstrative or mathematical certainty: and in morality we call that certain, that is a thing to be followed and chosen, which oftentimes is but very highly probable; and many things do not attain that degree; and therefore because it is very often impossible, it is certainly not necessary that the direct judgment should be sure and evident in all cases. Τὸ μὲν γὰρ ἐπιστητὸν, ἀποδεικτὸν· τέχνη δὲ καὶ φρόνησις τυγχάνουσιν οὖσαι περὶ τὰ ἐνδεχόμενα ἄλλως ἔχειν, "Science is of those things which can be de-

monstrated; but prudence, [and conscience,] of things which are thus, or may be otherwise."[a]—But if it be not supplied in the reflex and second act of judgment, so that the conscience be either certain in the object, or in the act, the whole progress is a danger, and the product is criminal; the conscience is doubtful, and the action is a sin.

4. It is in this as is usually taught concerning the Divine knowledge of things contingent; which although they are in their own nature fallible and contingent, yet are known certainly and infallibly by God, and according to the nature of the things, even beyond what they are in their natural, proper, and next causes: and there is a rare and secret expression of Christ's incarnation used by St. Paul, "in whom dwelleth all the fulness of the Godhead bodily," that is, the manner is contrary to the thing; the Godhead that is wholly incorporeal dwells in him corporally. After the like manner of signification is the present certainty I speak of. If it be not certain in the object, it must be certain in the faculty, that is, at least it must be a certain persuasion, though of an uncertain article: and we must be certain and fully persuaded, that the thing may be done by us lawfully, though whether the thing itself be lawful is at most but highly probable.

5. So that in effect it comes but to this; The knowledge that is here required, is but the fulness of persuasion, which is and ought to be in a right conscience: Οἶδα καὶ πέπεισμαι, "I know and am persuaded in the Lord Jesus:" so St. Paul.[b]—Our knowledge here, which is but in part, must yet be a full confidence for the matters of duty. The conclusions then are these:

1. There must be a certainty of adherence in the actions of a right conscience.

2. It must also, for the matter of it too, at least be on the right side of the probability.

The conscience must be confident, and it must also have reason enough so to be; or at least, so much as can secure the confidence from illusion; although possibly the confidence may be greater than the evidence, and the conclusion bigger than the premises. Thus the good simple man, that, about the time of the Nicene council, confuted the stubborn and subtle philosopher by a confident saying over his creed: and the holy and innocent idiot, or plain easy people of the laity, that cannot prove christianity by any demonstrations, but by that of a holy life, and obedience unto death; they believe it so, that they put all their hopes upon it, and will most willingly prove it again by dying for it, if God shall call them. This is one of the excellencies of faith; and in all cases where the mercies of God have conducted the man into the right, it is not subject to illusion. But for that particular, I mean, that we be in the right, we are to take all that care which God hath put into our power:—of which I have already said something, and shall give fuller accounts in its proper place.

[a] Aristot. Ethic. lib. 6. cap. 6.

[b] Rom. xiv. 14.

RULE III.

The practical Judgment of a right Conscience is always agreeable to the speculative Determination of the Understanding.

1. This rule is intended against those whose understanding is right in the proposition, and yet declines in the application; it is true in "thesi," but not in "hypothesi;" it is not true when it comes to be their case: and so it is in all that sin against their conscience, and use little arts to evade the clamour of the sin. They are right in the rule, and crooked in the measuring; whose folly is apparent in this, because they deny in particular, what they affirm in the general; and it is true in all, but not in some. David was redargued wittily by Nathan upon this account; he laid the case in a remote scene;—Titius, or Sempronius, a certain rich man, I know not who, somebody or other, robbed the poor man of his ewe lamb. Therefore said David, "He shall die, whoever he be."—"Yea, but you are the man:"—what then? shall he die still? This is a new arrest; it could not be denied, his own mouth had already given the sentence.

2. And this is a usual but a most effective art to make the conscience right in the particular, by propounding the case separate from its own circumstances; and then to remove it to its own place is no hard matter. It was an ingenious device of Erasistratus the physician, of which Appian tells:[c]—When young Antiochus almost died for love of Stratonica his father Seleucus's wife, the physician told the passionate and indulgent father, that his son was sick of a disease, which he had indeed discovered, but found it also to be incurable. Seleucus with sorrow asking what it was, Erasistratus answered, "He loves my wife." But then the old king's hopes began to revive, and he turned wooer in the behalf of his son, begging of the physician, who was his counsellor and his friend, for pity's sake, for friendship and humanity, to give his wife in exchange or redemption for the young king's life. Erasistratus replied, "Sir, you ask a thing too unreasonable and great; and though you are his father, yourself would not do it, if it were your own case; and therefore why should I?" When Seleucus swore by all his country gods that he would do it as willingly as he would live; Erasistratus drew the curtain of the device, and applied it to him, by telling, that the cure of his son depended upon his giving the queen Stratonica to him, which he did; and afterwards made it as lawful as he could, by a law postnate to that insolent example, and confirmed it by military suffrages.

3. In all cases we are to consider the rule, not the relation; the law, not the person: for if it be one thing in the proposition, and another in the assumption, it must be false in one place or the other; and then the conscience is but an ill guide, and an ill judge.

4. This rule is not to extend to the exception of

[c] De Bellis Syriacis.

particular cases; nor to take away privileges, pardons, equity. For that which is fast in the proposition, may become loose in the particular by many intervening causes, of which I am to give account in its due place. For the present, this is certain, that whatsoever particular is of the same account with the general, not separate, or let loose by that hand which first bound it, is to be estimated as the general. But this rule is to go further also.

5. For hitherto, I have called the act of particular conscience directing to a single and circumstantiate action, by the name of practical judgment; and the general dictate of the *συντήρησις*, or phylactery, or upper conscience, teaching the kinds of good actions, by the name of "speculative judgment." But the rule also is true, and so to be understood, when practical and speculative are taken in their first and proper sense. If in philosophy we discourse that the true God, being a spirit without shape or figure, cannot be represented by an image; although this be only a speculation, and demonstrable in natural philosophy, and no rule of conscience; yet when conscience is to make a judgment concerning the picturing of God the Father, it must not determine practically against that speculation. "That an idol is nothing," is demonstrable in metaphysics; and therefore that we are to make nothing of it, is a practical truth: and although the first proposition be not directly placed in the upper region of conscience, but is one of the prime metaphysical propositions, not properly theological, according to those words of St. Paul,[d] "Concerning things sacrificed to idols, we know *ὅτι πάντες γνῶσιν ἔχομεν*, 'that we all have knowledge;' and we know that an idol is nothing in the world;" meaning, that this knowledge needs no revelation to attest it; we by our own reason and principles of demonstration know that; yet, the lower, or particular practical conscience, must never determine against that extrinsical, and therefore, as to conscience, accidental measure.

6. For whatsoever is true in one science, is true also in another; and when we have wisely speculated concerning the dimensions of bodies, their circumscriptions, the acts of sense, the certainty of their healthful perceptions, the commensuration of a place and a body; we must not esteem these to be unconcerning propositions, if ever we come to use them in divinity: and therefore we must not worship that which our senses tell us to be a thing below worship: nor believe that infinite which we see measured; nor esteem that greater than the heavens, which, I see and feel, goes into my mouth. If philosophy gives a skin, divinity does not flay it off: and truth cannot be contrary to truth: and God would not in nature teach us any thing to misguide us in the regions of grace.

7. The caution for conducting this proposition is only this: that we be as sure of our speculation, as of any other rule which we ordinarily follow; and that we do not take vain philosophy for true speculations. He that guides his conscience by a principle of Zeno's philosophy, because he hath been bred in the Stoical sect, and resolves to understand his religion to the sense of his master's theorems, does ill. The christian religion suffered much prejudice at first by the weak disputings of the Greeks; and they would not admit a religion against the academy, or the cynics, or the Athenian schools; and the christian schools drew some of their articles through the limbecs of Plato's philosophy, and to this day the relish remains upon some of them. And Baronius[e] complains of Origen, that, "In Paganorum commentis enutritus, eaque propagare in animo habens, divinas se utique Scripturas interpretari simulavit: ut hoc modo nefariam doctrinam suam sacrarum literarum monumentis maligne admiscens, Paganicum et Manichaicum errorem suum atque Arrianam vesaniam induceret." He mingled the gentile philosophy with christian religion, and by analogy to that, expounded this, and how many disciples he had, all the world knows. Nay, not only from the doctrine, but from the practices and rites of the pagan religion, many christians did derive their rites, and they in time gave authority and birth to some doctrines.—"Vigilias anniversarias habes apud Suetonium. Lustralem aquam, aspersionem sepulcrorum, lumina in iisdem parare, Sabbato lucernam accendere, cereos in populum distribuere."[f] The staff, the ring, the mitre, and many other customs, some good, some only tolerable, the christians took from the gentiles; and what effect it might have, and what influence it hath had, in some doctrines, is too notorious to dissemble. Thomas Aquinas did a little change the scene, and blended Aristotle so with school divinity, that something of the purity was lost, while much of our religion was exacted and conducted by the rules of a mistaken philosophy. But if their speculations had been right, christianity would at first have entered without reproof, as being the most reasonable religion of the world, and most consonant to the wisest and most sublime speculations; and it would also have continued pure, if it had been still drawn from the fountains of our Saviour, through the limbecs of the evangelists and apostles, without the mixture of the salt waters of that philosophy, which every physician and witty man now-a-days thinks he hath reason and observation enough easily to reprove. But men have resolved to verify their sect rather than the truth; but if of this particular we be careful, we must then also verify every speculation in all things, where it can relate to practice, and is not altered by circumstances.

8. As an appendage, and for the fuller explication of this rule, it is a worthy inquiry which is by some men made, concerning the use of our reason in our religion. For some men, finding reason to be that guide which God hath given us, and concreated with us, know that religion which is superinduced, and comes after it, cannot prejudice that noblest part of this creation. But then, because some articles which are said to be of faith, cannot be made to appear consonant to their reason, they stick to this, and let that go. Here is a just cause of complaint. But therefore others say, that reason is a good guide

[d] 1 Cor. viii. 1, 4.

[e] Ad Annum 538. sect. 34.

[f] A. D. 44. n. 88.

in things reasonable and human, but our reason is blind in things Divine, and therefore is of little or no use in religion. Here we are to believe, not to dispute. There are on both sides fair pretences, which when we have examined, we may find what part of truth each side aims at, and join them both in practice. They that speak against reason, speak thus.

9. (1.) There is to every state and to every part of man given a proportionable light to guide him in that way, where he ought and is appointed to walk. In the darknesses of this world, and in the actions of common life, the sun and moon in their proper seasons are to give us light: in the actions of human intercourse, and the notions tending to it, reason is our eye, and to it are notices proportioned, drawn from nature and experience, even from all the principles with which our rational faculties usually do converse. But because a man is designed to the knowledge of God, and of things spiritual, there must spring a new light from heaven, and he must have new capacities, and new illuminations; that is, new eyes, and a new light: for here the eye of reason is too weak, and the natural man is not capable of the things of the Spirit, because they are spiritually discerned. Faith is the eye, and the Holy Spirit gives the light, and the word of God is the lantern, and the spiritual not the rational man can perceive the things of God. "Secreta Dei, Deo meo, et filiis domûs ejus." "God and God's secret ones only know God's secrets."

10. (2.) And therefore we find in Holy Scripture that to obey God, and to love him, is the way to understand the mysteries of the kingdom. "'Obedite et intelligetis:" "If ye will obey, then shall ye understand:" and it was a rare saying of our blessed Saviour, and is of great use and confidence to all who inquire after the truth of God, in the midst of these sad divisions of christendom,—"If any man will do his will, he shall know whether the doctrine be of God or no."[g] It is not fineness of discourse, nor the sharpness of arguments, nor the witty rencounters of disputing men, that can penetrate into the mysteries of faith: the poor humble man that prays, and inquires simply, and listens attentively, and sucks in greedily, and obeys diligently, he is the man that shall know the mind of the Spirit; and therefore St. Paul observes that the sermons of the cross were "foolishness to the Greeks;" and consequently, by way of upbraiding, he inquires,[h] "Where is the wise man, where is the scribe, where is the disputer of the world? God hath made the wisdom of the world foolishness;" that is, "God hath confounded reason, that faith may come in her place."

11. (3.) For there are some things in our religion so mysterious, that they are above all our reason; and well may we admire, but cannot understand them: and therefore the Spirit of God is sent into the world to bring our understanding into the obedience of Christ; we must obey and not inquire, and every proud thought[i] must be submitted to him, who is the wisdom of the Father, who hath, in the Holy Scriptures, taught us all his Father's will.

12. (4.) And therefore, as to this nothing can be added from the stock of nature or principles of natural reason, so if it did need a supply, reason could ill do it. For the object of our faith must be certain and infallible; but no man's reason is so; and therefore to put new wine into broken bottles is no gain, or real advantage; and although right reason is not to be gainsaid, yet what is right reason is so uncertain, that in the midst of all disputes, every man pretends to it, but who hath it no man can tell, and therefore it cannot be a guide or measure of faith.

13. (5.) But above all, if we will pretend to reason in religion, we have but one great reason that we can be obliged to; and that is, to believe that whatsoever God hath said, is true: so that our biggest reason in religion is, to submit our reason, that is, not to use our reason in particular inquiries, but to captivate it in the whole. And if there be any particular inquiries, let them seem what they will to my reason, it matters not; I am to follow God, not man; I may be deceived by myself, but never by God. It is therefore sufficient to me that it is in the Scriptures. I will inquire no further. This therefore is a concluding argument; This is in Scripture, therefore this is true; and this is against Scripture, therefore it is absurd, and unreasonable.

14. (6.) After all, experience is our competent guide and warning to us: for we see when witty men use their reason against God that gave it, they in pursuit of reason go beyond religion; and when by reason they look for God, they miss him; for he is not to be found but by faith, which when they dispute for, they find not; because she is built and persuaded by other mediums, than all schools of philosophy to this day have taught. And it was because of reason, that the religion of Jesus was so long opposed and hindered to possess the world. The philosophers would use their reason, and their reason would not admit this new religion: and therefore St. Paul being to remove every stone that hindered, bade them to beware of "vain philosophy;" which does not distinguish one kind of philosophy from another, but marks all philosophy. It is all vain, when the inquiries are into religious mysteries.

15. (7.) For is it not certain that some principles of reason are against some principles of faith and Scripture? and it is but reason, that we should hear reason wherever we find it; and yet we are to have no intercourse with devils, though we were sure they would tell us of hidden treasures, or secrets of philosophy: and upon this account it is that all genethliacal predictions and judicial astrology are decried by all religious persons; for though there be great pretensions of reason and art, yet they, being against religion and revelation, are intolerable. In these and the like cases, reason must put on her muffler, and we must be wholly conducted by revelation.

[g] John vii. 17. [h] 1 Cor. i. 20. [i] 2 Cor. x. 5.

16. These are the pretences against the use of reason in questions of religion; concerning which the same account may be given, as by the Pyrrhonians and sceptics concerning their arguments against the certainty of sciences. These reasons are like physic, which if it uncertainly purges out the humour, it most certainly purges out itself: and these arguments either cannot prevail against the use of reason in religion, or if they do, they prevail against themselves: for either it is against religion to rely upon reason in religion, or it is not; if it be not, then reason may without danger to religion be safely relied upon in all such inquiries. But if it be against religion to rely upon reason, then certainly these reasons intended to prove it so, are not to be relied upon; or else this is no question of religion. For if this be a question of religion, why are so many reasons used in it? If it be no question of religion, then we may, for all these reasons to the contrary, still use our reason in religion without prejudice to it. And if these reasons conclude right, then we may for these reasons' sake, trust the proposition which says, that in religion reason is to be used; but if these reasons do not conclude right, then there is no danger, but that reason may still be used, these arguments to the contrary notwithstanding.

17. But there is more in it than so: This foregoing discourse, or to the like purpose, is used by two sorts of persons; the one is by those, who in destitution of particular arguments, make their last recourse unto authority of men. For by how much more they press their own peremptory affirmative, by so much the less will they endure your reasons and arguments for the negative. But to these men I shall only say, "Let God be true, and every man a liar:" and therefore if we trust men concerning God, we do not trust God concerning men; that is, if we speak of God as men please, we do not think of men as God hath taught us; viz. that they are weak, and that they are liars: and they who have, by artifices and little devices, acquired to themselves a reputation, take the less care for proving what they say, by how much the greater credulity that is, by which men have given themselves up to be possessed by others. And if I would have my saying to prevail whether it be right or wrong, I shall the less endure that any man should use his own reason against me. And this is one of the great evils for which the church of Rome hath given christendom a great cause to complain of her, who not only presses men to believe or to submit to what she says upon her own authority, without enduring them to examine whether she says true or no, but also requires as great an assent to what she cannot prove, as to what she can; requiring an adherence not less than the greatest, even to those things which she only pretends to be able to prove by prudential motives. Indeed in these cases if they can obtain of men to bring their faith, they are safe; but to come accompanied with their reason too, that is dangerous.

18. The other sort of men, is of those who do the same thing under another cover; for they not having obtained the advantages of union or government, cannot pretend to a privileged authority; but resolving to obtrude their fancies upon the world, and yet not being able to prove what they say, pretend the Spirit of God to be the author of all their theorems. If they could prove him to be their author, the thing were at an end, and all the world were bound to lay their necks under that pleasant yoke; but because they cannot prove any thing, therefore it is that they pretend the Spirit for every thing: and if the noise of so sacred a name will persuade you, you are within the snare; if it will not, you are within their hatred. But it is impossible that these men can prevail, because there are so many of them; it is as if it were twenty mountebanks in the piazza, and all saying they had the only antidote in the world for poison; and that what was not theirs, was not at all, and yet all pretend severally. For all men cannot have the Spirit, unless all men speak the same thing: it were possible that even in union they might be deceivers: but in division they cannot be right; and therefore since all these men pretend the Spirit, and yet all speak several things and contradictory, they do well to desire of us not to use our reason; for if we do, they can never hope to prevail; if we do not, they may persuade, as they meet with fools, that were not possessed before.

19. Between these two there is a third, that pretends to no authority on one hand, nor enthusiasm on the other; but offers to prove what he says, but desires not his arguments to be examined by reason, upon pretence that he urges Scripture; that is, in effect, he must interpret it; but your reason shall not be judge whether he says right or wrong: for if you judge his interpretation, he says you judge of his argument, and make reason umpire in questions of faith: and thus his sect is continued, and the systems of divinity rely upon a certain number of propositions from generation to generation, and the scholar shall be no wiser than his master for ever; because he is taught to examine the doctrines of his master by his master's arguments, and by no other. In effect, they all agree in this, they would rule all the world by religion, and they would have nobody wiser than themselves, but be fools and slaves, till their turn come to use others as bad as they have been used themselves: and therefore, as the wolves offered peace to the sheep upon condition they would put away their dogs; so do these men allow us to be christians and disciples, if we lay aside our reason, which is that guard of our souls whereby alone we can be defended against their tyrannies and pretensions.

20. That I may therefore speak close to the inquiry, I premise these considerations:

(1.) It is a weak and a trifling principle, which supposes faith and reason to be opposite: for faith is but one way, by which our reason is instructed, and acquires the proper notices of things. For our reason or understanding apprehends things three several ways: the first is called *νόησις*, or the "first notices" of things abstract, of principles and the "primo intelligibilia;" such as are, The whole is

greater than the half of the whole;—Good is to be chosen;—God is to be loved:—Nothing can be and not be at the same time;—for these are objects of the simple understanding, congenite notices, concreated with the understanding. The second is called διανόησις, or "discourse," that is, such consequents and emanations which the understanding draws from her first principles. And the third is πίστις, that is, such things which the understanding assents to upon the report, testimony, and affirmation of others, viz. by arguments extrinsical to the nature of the thing, and by collateral and indirect principles. For example, I naturally know that an idol or a false god is nothing; that is νόησις, or the act of abstract and immaterial reason. From hence I infer, that an idol is not to be worshipped; this my reason knows by διανόησις, or illation and inference, from the first principle. But therefore, that all monuments of idolatry are to be destroyed, was known to the Jews by πίστις, for it was not primely known, nor by the direct force of any thing that was primely known; but I know it from God by the testimony of Moses, into the notice of which I am brought by collateral arguments, by tradition, by miracle, by voices from heaven, and the like.

21. (2.) These three ways of knowing, are in all faculties sacred and profane: for faith and reason do not divide theology and philosophy, but in every science reason hath notices all these ways. For in natural philosophy there are prime principles, and there are conclusions drawn from thence, and propositions which we believe from the authority of Plato, or Socrates, or Aristotle; and so it is in theology; for every thing in Scripture is not, in the divided sense, a matter of faith: that the sun is to rule the day, the moon and the stars to govern the night, I see and feel: that God is good, that he is one, are prime principles: that nothing but good is to be spoken of this good God, reason draws by a διανόησις, or discourse and illation: but that this good God will chastise his sons and servants, and that afflictions sent upon us are the issues of his goodness, or that this one God is also three in person, this is known by πίστις, or by belief; for it is not a prime truth, nor yet naturally inferred from a prime truth, but told by God, and therefore is an object of faith; reason knows it by testimony, and by indirect and collateral probations.

22. (3.) Reason knows all things as they are to be known, and enters into its notices by instruments fitted to the nature of things. Our stock of principles is more limited than our stock of words; and as there are more things than words, so there are more ways of knowing than by principles direct and natural. Now as God teaches us many things by natural principles, many by experience, many at first, many more in time; some by the rules of one faculty, some by the rules of another; so there are some things which descend upon us immediately from heaven, and they communicate with no principle, with no matter, with no conclusion here below. Now as in the other things we must come to notices of things, by deriving them from their proper fountains; so must we do in these. He that should go to revelation to prove that nine and nine make eighteen, would be a fool; and he would be no less, that goes about to prove a trinity of persons by natural reason. Every thing must be derived from its own fountain. But because these things, which are derivatives from heaven, and communicate not at all with principles of philosophy or geometry, yet have their proper fountains, and these fountains are too high for us to search into their bottom, we must plainly take all emanations from them, just as they descend. For in this case, all that is to be done, is to inquire from whence they come. If they come from natural principles, I search for them by direct arguments: if they come from higher, I search for them by indirect arguments; that is, I inquire only for matter of fact, whether they come thence or no. But here my reason is set on work; first, I inquire into the testimony or ways of probation, if they be worth believing in what they say, my reason sucks it in. As if I be told that God said, "There are three and one in heaven," I ask, Who said it? Is he credible? Why? If I find that all things satisfy my reason, I believe him saying that God said so; and then πίστις or faith enters. I believe the thing also, not because I can prove it directly, for I cannot,—but I can prove it indirectly; testimony and authority are my argument, and that is sufficient. The apostles entered into much of their faith by their senses, they saw many articles of their creed; but as they which saw and believed were blessed, so they which see not, but are argued and disputed into their faith, and believe what they find reasonable to believe, shall have the reward of their faith, while they wisely follow their reason.

23. (4.) Now in all this, here is no difference in my reason, save that as it does not prove a geometrical proposition by moral philosophy, so neither does it prove a revelation by a natural argument, but into one and the other it enters by principles proper to the inquisition; and faith and reason are not opposed at all. Faith and natural reason are several things, and arithmetical and moral reasons are as differing, but it is reason that carries me to objects of faith, and faith is my reason so disposed, so used, so instructed.

The Result of these Propositions is this one:

24. That into the greatest mysteriousness of our religion, and the deepest articles of faith, we enter by our reason; not that we can prove every one of them by natural reason; for to say that, were as vain as to say we ought to prove them by arithmetic or rules of music; but whosoever believes wisely and not by chance, enters into his faith by the hand of reason; that is, he hath causes and reasons why he believes. He indeed that hath reasons insufficient and incompetent, believes indeed not wisely, but for some reason or other he does it; but he that hath none, does not believe at all; for the understanding is a rational faculty, and therefore every act of the understanding is an act of the rational faculty, and that is an act of reason; as vision is of the visive faculty; and faith, which is an act or habit of the understanding consenting to

certain propositions for the authority of the speaker, is also as much an act of reason, as to discourse in a proposition of Aristotle. For faith, assenting to a proposition for a reason drawn "à testimonio," is as very a discourse, as to assent to a proposition for a reason drawn from the nature of things. It is not less an act of reason, because it uses another topic. And all this is plain and certain, when we discourse of faith formally in its proper and natural capacity, that is, as it is a reception of propositions "à testimonio."

25. Indeed if we consider faith as it is a habit infused by God, and by God's Holy Spirit, so there is something more in it than thus: for so, faith is a vital principle, a magazine of secret truths, which we could never have found out by natural reason, that is, by all that reason which is born with us, and by all that reason that grows with us, and by all secular experiences and conversations with the world; but of such things which God only teaches, by ways supernatural and divine.

26. Now here is the close and secret of the question, whether or no faith, in this sense, and materially taken, be contrary to our worldly or natural reason,—or whether is any or all the propositions of faith to be exacted, interpreted, and understood, according to this reason materially taken? that is, are not our reasons, which we rightly follow in natural philosophy, in metaphysics, in other arts and sciences, sometimes contrary to faith? and if they be, whether shall be followed? Or can it, in any sense, be an article of faith, if it be contrary to right reason? I answer to this by several propositions.

27. (1.) Right reason (meaning our right reason, or human reason) is not the affirmative or positive measure of things divine, or of articles and mysteries of faith; and the reasons are plain: 1. Because many of them depend upon the free will of God; for which, till he gives us reasons, we are to be still and silent, admiring the secret, and adoring the wisdom, and expecting till the curtain be drawn, or till Elias come and tell us all things. But he,—that will inquire and pry into the reason of the mystery, and because he cannot perceive it, will disbelieve the thing, or undervalue it, and say it is not at all, because he does not understand the reason of it, and why it should be so,—may as well say, that his prince does not raise an army in time of peace, because he does not know a reason why he should; or that God never did suffer a brave prince to die ignobly, because it was a thousand pities he should. There is a "ragione di stato," and a "ragione di regno," and a "ragione di cielo," after which none but fools will inquire, and none but the humble shall ever find.

28. Who can tell why the devil, who is a wise and intelligent creature, should so spitefully, and for no end but for mischief, tempt so many souls to ruin, when he knows it can do him no good, no pleasure, but fantastic? or who can tell why he should be delighted in a pleasure that can be nothing but fantastic, when he knows things by intuition, not by phantasm, and hath no low conceit of things as we have? or why he should do so many things against God, whom he knows he cannot hurt,—and against souls, whose ruin cannot add one moment of pleasure to him? and if it makes any change, it is infinitely to the worse: that these things are so, our religion tells us; but our reason cannot reach why it is so, or how. Whose reason can give an account why, or understand it to be reasonable, that God should permit evil for good ends, when he hates that evil, and can produce that good without that evil? and yet that he does so we are taught by our religion. Whose reason can make it intelligible, that God, who delights not in the death of a sinner, but he and his Christ, and all their angels, rejoice infinitely in the salvation of a sinner, yet that he should not cause that every sinner should be saved, working in him a mighty and a prevailing grace, without which grace he shall not in the event of things be saved, and yet this grace is wholly his own production?

> ——Omnipotens hominem cum gratia salvat,
> Ipsa suum consummat opus, cui tempus agendi
> Semper adest quæ gesta velit; non moribus illi
> Fit mora, non causis anceps suspenditur ullis.[k]

Why does not he work in us all to will and to do, not only that we can will, but that we shall will? for if the actual willing be any thing, it is his creation; we can create nothing, we cannot will unless he effect it in us: and why he does not do that which so well pleases him, and for the want of the doing of which he is so displeased, and yet he alone is to do it some way or other, human reason cannot give a wise or a probable account.

> Nam prius immites populos urbesque rebelles,
> Vincente obstantes animos pietate, subegit;
> Non hoc consilio tantum hortatuque benigno
> Suadens atque docens, quasi normam legis haberet
> Gratia, sed mutans intus mentem atque reformans,
> Vasque novum ex fracto fingens, virtute creandi.
> Non istud monitus legis, non verba prophetæ,
> Non præstata sibi præstat natura, sed unus
> Quod fecit reficit. Percurrat Apostolus orbem,
> Prædicet, hortetur, plantet, riget, increpet, instet,
> Quaque viam verbo reseratam invenerit, intret;
> Ut tamen his studiis auditor promoveatur,
> Non doctor neque discipulus, sed gratia sola
> Efficit[l]——

Where is the wise discourser, that can tell how it can be, that God foreknows certainly what I should do ten years hence, and yet it is free to me at that time, to will or not to will, to do or not to do, that thing? Where is the discerning searcher of secrets, that can give the reason why God should determine, for so many ages before, that Judas should betray Christ, and yet that God should kill him eternally for effecting the Divine purpose, and foredetermined counsel? Well may we wonder that God should wash a soul with water, and with bread and wine nourish us up to immortality, and make real impresses upon our spirits by the blood of the vine, and the kidneys of wheat; but who can tell why he should choose such mean instruments to effect such glorious promises? since even the greatest things of this world had not been disproportionable instruments to such effects, nor yet too great for our un-

[k] Prosper. c. 15. de Ingrat.

[l] Prosp. de Prædest. 55. cap. 8.

derstanding; and that we are fain to stoop to make these mean elements be even with our faith and with our understanding. Who can divine, and give us the cause, or understand the reason, why God should give us so great rewards for such nothings, and yet damn men for such insignificant mischiefs, for thoughts, for words, for secret wishes, that effect no evil abroad, but only might have done, or, it may be, were resolved to be inactive: for if the goodness of God be so overflowing in some cases, we in our reason should not expect, that in such a great goodness there should be so great an aptness to destroy men greatly for little things: and if all mankind should join in search, it could never be told, why God should adjudge the heathen or the Israelites to an eternal hell, of which he never gave them warning, nor created fears great enough to produce caution equal to their danger; and who can give a reason, why, for temporal and transient actions of sin, the world is to expect never-ceasing torments in hell to eternal ages? That these things are thus, we are taught in Scripture, but here our reason is not instructed to tell why or how; and therefore our reason is not the positive measure of mysteries, and we must believe what we cannot understand.

29. Thus are they to be blamed, who make intricacies and circles in mysterious articles, because they cannot wade through them; it is not to be understood why God should send his only Son from his bosom to redeem us, to pay our price; nor to be told why God should exact a price of himself for his own creature; nor to be made intelligible to us, why he who loved us so well, as to send his Son to save us, should at the same time so hate us, as to resolve to damn us, unless his Son should come and save us. But the Socinians, who conclude that this was not thus, because they know not how it can be thus, are highly to be reproved for their excess in the inquiries of reason, not where she is not a competent judge, but where she is not competently instructed; and that is the second reason.

30. (2.) The reason of man is a right judge always when she is truly informed; but in many things she knows nothing but the face of the article; the mysteries of faith are oftentimes like cherubim's heads placed over the propitiatory, where you may see a clear and a bright face and golden wings, but there is no body to be handled; there is light and splendour upon the brow, but you may not grasp it; and though you see the revelation clear, and the article plain, yet the reason of it we cannot see at all; that is, the whole knowledge which we can have here, is dark and obscure; "We see as in a glass darkly," saith St. Paul; that is, we can see what, but not why; and what we do see, is the least part of that which does not appear: but in these cases our understanding is to submit, and wholly to be obedient, but not to inquire further. "Delicata est illa obedientia, quæ causas quærit." If the understanding will not consent to a revelation, until it see a reason of the proposition, it does not obey at all, for it will not submit till it cannot choose. In these cases, reason and religion are like Leah and Rachel; reason is fruitful indeed, and brings forth the first-born, but she is blear-eyed, and oftentimes knows not the secrets of her Lord; but Rachel produces two children, faith and piety, and obedience is midwife to them both, and modesty is the nurse.

31. From hence it follows, that we cannot safely conclude thus, "This is agreeable to right reason, therefore this is so in Scripture, or in the counsel of God;" not that one reason can be against another, when all things are equal, but that the state of things and of discourses is imperfect; and though it be right reason in such a constitution of affairs, yet it is not so in others: that a man may repel force by force, is right reason, and a natural right, but yet it follows not, that it can be lawful for a private christian to do it, or that Christ hath not forbidden us to strike him that strikes us. The reason of the difference is this; In nature it is just that it be so, because we are permitted only to nature's provisions, and she hath made us equal, and the condition of all men indifferent; and therefore we have the same power over another, that he hath over us; besides, we will do it naturally: and till a law forbade it, it could not be amiss, and there was no reason in nature to restrain it, but much to warrant it. But since the law of God hath forbidden it, he hath made other provisions for our indemnity, and where he permits us to be defenceless, (as in cases of martyrdom and the like,) he hath promised a reward to make infinite amends: so that "we may repel force by force," says nature; "we may not," says Christ; and yet they are not two contradictory propositions. For nature says we may, when otherwise we have no security, and no reward for suffering; but Christ hath given both the defence of laws and authority, and the reward of heaven, and therefore in this case it is reasonable. And thus we cannot conclude, This is a wicked man because he is afflicted, or his cause is evil because it does not thrive; although it be right reason, that good men ought to be happy and prosperous; because although reason says right in it, yet no reason can wisely conclude, that therefore so it should be in this world, when faith and reason too tell us it may be better hereafter. The result is this,—every thing that is above our understanding, is not therefore to be suspected or disbelieved; neither is any thing to be admitted that is against Scripture, though it be agreeable to right reason, until all information is brought in, by which the sentence is to be made.

32. For as it happens in dreams and madness, where the argument is good, and the discourse reasonable oftentimes; but because it is inferred from weak phantasms, and trifling and imperfect notices of things, and obscure apprehensions, therefore it is not only desultorious and light, but insignificant, and far from ministering to knowledge: so it is in our reason as to matters of religion; it argues well and wisely, but because it is from trifling, or false, or uncertain principles, and unsure information, it oftentimes is but a witty nothing. Reason is an excellent limbec, and will extract rare quintessences, but if you put in nothing but mushrooms, or eggshells, or the juice of colloquintida, or the filthy gingran,

you must expect productions accordingly, useless or unpleasant, dangerous or damnable.

33. (3.) Although right reason is not the positive and affirmative measure of any article, yet it is the negative measure of every one. So that whatsoever is contradictory to right reason, is at no hand to be admitted as a mystery of faith; and this is certain upon an infinite account:

34. (1.) Because nothing can be true and false at the same time; otherwise it would follow that there could be two truths contrary to each other: for if the affirmative be true, and the negative true too, then the affirmative is true and is not true, which were a perfect contradiction, and we were bound to believe a lie, and hate a truth; and yet at the same time, obey what we hate, and consent to what we disbelieve: no man can serve two such masters.

35. (2.) Out of truth nothing can follow but truth; whatsoever therefore is truth, this is therefore safe to be followed, because no error can be the product of it. It follows therefore, that by believing one truth, no man can be tied to disbelieve another. Whatsoever therefore is contrary to right reason, or to a certain truth in any faculty, cannot be a truth, for one truth is not contrary to another: if therefore any proposition be said to be the doctrine of Scripture, and confessed to be against right reason, it is certainly not the doctrine of Scripture, because it cannot be true, and yet be against what is true.

36. (3.) All truths are emanations and derivatives from God; and therefore whatsoever is contrary to any truth, in any faculty whatsoever, is against the truth of God, and God cannot be contrary to himself: for as God is one, so truth is one; for truth is God's eldest daughter, and so like himself, that God may as well be multiplied, as abstracted truth.

37. (4.) And for this reason God does not only prove our religion, and Jesus Christ prove his mission, by miracles, by holiness, by verification of prophecies, and prediction of future contingencies, and voices from heaven, and apparition of angels, and resurrection from the grave, and fulfilling all that was said of him by the prophets, that our faith might enter into us by discourse, and dwell by love, and be nursed and supported by reason: but also God is pleased to verify his own proceedings and his own propositions, by discourses merely like ours, when we speak according to right reason. Thus God convinces[m] the peevish people that spake evil of him, by arguing concerning the justice of his ways, and exposes his proceedings to be argued by the same measures and proportions by which he judges us, and we judge one another.

38. (5.) For indeed how can it be possibly otherwise? how can we confess God to be just if we understand it not? but how can we understand him so, but by the measures of justice? and how shall we know that, if there be two justices, one that we know, and one that we know not, one contrary to another? if they be contrary, they are not justice; for justice can be no more opposed by justice, than truth to truth: if they be not contrary, then that which we understand to be just in us, is just in God, and that which is just once, is just for ever in the same case and circumstances: and indeed how is it that we are, in all things of excellency and virtue, to be like God, and to be meek like Christ, "to be humble as he is humble," and to "be pure like God," to be just after his example, to be "merciful as our heavenly Father is merciful?" If there is but one mercy, and one justice, and one meekness, then the measure of these, and the reason, is eternally the same. If there be two, either they are not essential to God, or else not imitable by us: and then how can we glorify God, and speak honour of his name, and exalt his justice, and magnify his truth, and sincerity, and simplicity, if truth, and simplicity, and justice, and mercy, in him, are not that thing which we understand, and which we are to imitate? To give an example: I have promised to give my friend a hundred pounds on the calends of March: the day comes, and he expects the donative; but I send him answer, that I did promise so by an open promise and signification, and I had an inclination to do so; but I have also a secret will to keep my money, and instead of that to give him a hundred blows upon his back: if he reproaches me for an unjust and a false person; I have nothing to answer, for I believe he would hardly take it for good payment to be answered with a distinction, and told, I have two wills, an open and a secret will, and they are contrary to each other: he would tell me that I were a false person for having two wills, and those two wills were indeed but one, nothing but a will to deceive and abuse him. Now this is reason, right reason, the reason of all the world, the measure of all mankind, the measure that God hath given us to understand, and to walk, to live, and to practise by. And we cannot understand what is meant by hypocrisy, and dissembling, if to speak one thing and not to mean it, be not that hypocrisy. Now put the case, God should call us to give him the glory of his justice and sincerity, of the truth of his promises and the equity of his ways, and should tell us, that we perish by our own fault, and if we will die, it is because we will die, not because we must; because we choose it, not because he forces us; for he calls us, and offers us life and salvation, and gives us powers, and time, and advantages, and desires it really, and endeavours it passionately, and effects it materially, so far as it concerns his portion: this is a certain evidence of his truth and justice; but if we can reply, and say, It is true, O God, that thou dost call us, but dost never intend we should come; that thy open will is loving and plausible, but thy secret will is cruel, decretory, and destructive to us, whom thou hast reprobated; that thy open will is ineffective, but thy secret will only is operative, and productive of a material event, and therefore although we are taught to say, "Thou art just, and true in all thy sayings," yet certainly it is not that justice which thou hast commanded us to imitate and practise, it is not that sincerity which we can safely use to one

[m] Isa. i. 18. v. 3. Ezek. xviii. 25.

another, and therefore either we men are not just when we think we are, or else thou art not just who doest and speakest contrary things, or else there are two contrary things which may be called justice.

39. For let it be considered as to the present instance; God cannot have two wills, it is against the unity of God and the simplicity of God. If there were two Divine wills, there were two Gods; and if it be one will, then it cannot, at the same time, will contrary things; and if it does not, then when God says one thing, and yet he wills it not, it is because he only wills to say it, and not to do it; and if to say this thing of the good, the just, the true, the righteous Judge of all the world be not blasphemy, I know not what is.

40. The purpose of this instance is to exemplify, that in all virtues and excellencies there is a perfect unity: and because all is originally and essentially in God, and from him derived to us, and all our good, our mercy, our truth, our justice, is but an imitation of his, it follows demonstratively, that what is unjust in men, and what is falsehood in our intercourses, is therefore false or unjust, because it is contrary to the eternal pattern: and therefore whatsoever our reason does rightly call unjust, or hypocrisy, or falsehood, must needs be infinitely far from God; and those propositions which asperse God with any thing of this nature, are so far from being the word of God, or an article of faith, or a mystery of religion, that it is blasphemous and false, hateful to God and good men.

41. In these things there is the greater certainty, because there is the less variety and no mystery; these things which in God we adore as attributes, being the lines of our duty, the limits and scores we are to walk by; therefore as our reason is here best instructed, so it cannot easily be deceived, and we can better tell what is right reason in these things, than in questions not so immediately relative to duty and morality.

42. But yet this rule also holds in every thing where reason is, or can be, right; but with some little difference of expression, but generally thus:

43. (1.) Whatsoever right reason says cannot be done, we cannot pretend from Scripture, that it belongs to God's almightiness to do it; it is no part of the Divine omnipotency, to do things contradictory; for that is not to be done which is not, and it is no part of power to do that which is not an act or effect of power. Now in every contradictory, one part is a nonentity, a nothing, and therefore by power cannot be produced; and to suppose it producible, or possible to be effected by an almighty power, is to suppose an almighty power to be no power, or to do that which is not the effect of power.

44. But I need say no more of this, for all men grant it, and all sects and varieties of christians endeavour to clear their articles from inferring contradictions, as implicitly confessing, that it cannot be true, to which any thing that is true is contradictory. Only some men are forced by their interest and opinions to say, that although to human reason some of their articles seem to have in them contradictions, yet it is the defect of their reason, and their faith is the more excellent, by how much reason is more at a loss. So do the Lutherans about the ubiquity of Christ's body, and the papists about transubstantiation, and the Calvinists about absolute reprobation, as being resolved upon the propositions, though heaven and earth confute them. For if men can be safe from argument with such a little artifice as this, then no error can be confuted, then there is nothing so absurd but may be maintained, and a man's reason is useless in inquiry and in probation; and (which is to me very considerable) no man can, in any article, be a heretic, or sin against his conscience. For to speak against the words of Scripture, is not directly against our conscience, there are many ways to escape, by interpretation or authority; but to profess an article against our reason, is immediately against our conscience; for reason and conscience dwell under the same roof, and eat the same portions of meat, and drink the same chalice: the authority of Scripture is superinduced, but right reason is the eternal word of God, "The kingdom of God that is within us;" and the best portions of Scripture, even the law of Jesus Christ, which in moral things is the eternal law of nature, is written in our hearts, is reason, and that wisdom to which we cannot choose but assent; and therefore in whatsoever he goes against his reason, he must needs go against his conscience, because he goes against that, by which he supposes God did intend to govern him, reason not having been placed in us as a snare and a temptation, but as a light and a star to lead us by day and night. It is no wonder that men maintain absurd propositions, who will not hear great reason against them, but are willing to take excuses and pretences for the justification of them.

45. (2.) This is not to be understood, as if God could do nothing but what we can with our reason comprehend or know how. For God can do every thing, but we cannot understand every thing: and therefore infinite things there are, or may be, which our reason cannot master; they are above our understanding, but are to be entertained by faith. It is not to be said or believed, that God can do what right reason says cannot be: but it must be said and believed that God can do those things, to which our understanding cannot, by all its powers ministered here below, attain. For since God is omnipotent, unless we were omniscient we could not understand all that he can do; but although we know but little, yet we know some propositions which are truths taught us by God, and they are the measures whereby we are to speak and believe concerning the works of God.

46. For it is to be considered, whatsoever is above our understanding is not against it: "supra" and "secundum" may consist together in several degrees: thus we understand the Divine power of working miracles, and we believe and know God hath done many; and although we know not how our dead bones shall live again, yet our reason tells us that it is within the power of God to effect it; and therefore our faith need not be troubled to

believe it. But if a thing be against our understanding, it is against the work of God, and against a truth of God, and therefore is no part, and it can be no effect, of the Divine power: many things in nature are above our understanding, and no wonder if many things in grace are so too; "The peace of God passeth all understanding," yet we feel something of it, and hope for more, and long for all, and believe what we yet cannot perceive. But I consider further:

47. There are some things in reason which are certainly true, and some things which reason does infallibly condemn: our blessed Saviour's argument was certain, "A spirit hath not flesh and bones as ye perceive me to have:" therefore I am no spirit: and St. John's argument was certain, "That which we have seen with our eyes, and heard with our ears, and which our hands have handled of the word of life, that we preach," that is, we are to believe what we see, and hear, and feel; and as this is true in the whole religion, so it is true in every article of it. If right sense and right reason tell us clearly, that is, tell us so that there is no absurdness, or contradiction, or unreasonableness in it, we are to believe it, as we are to believe God; and if an angel from heaven should tell us any thing against these propositions, I do not doubt but we would reject him. Now if we inquire what things are certainly true or false; I must answer, that in the first place I reckon prime principles and contradictions; in the next place, those things which are manifestly absurd: but if it be asked further, which things are manifestly absurd, and what it is to be manifestly absurd? there can no more answer be given to this, than to him who asks, How shall I know whether I am in light or darkness? If therefore it be possible for men to dote in such things as these, their reason is useless in its greatest force and highest powers: it must therefore be certain, that if the parts of a contradiction or a right reason be put in bar against a proposition, it must not pretend to be an article of faith; and to pretend God's omnipotency against it, is to pretend his power against his truth. God can deliver us from our enemies, when to human reason it seems impossible, that is, when we are destitute of all natural help, and proper causes and probabilities of escape, by what we see or feel; that is, when it is impossible to men, it may be possible with God; but then the faith which believes that God can do it, is also very right reason; and if we hope he will do it, there is more than faith in it, but there is nothing in it beyond reason, except love also be there.

48. The result is this: (1.) Our reason is below many of the works, and below all the power, of God, and therefore cannot perceive all that God hath, or can, or will do, no more than an owl can stare upon the body of the sun, or tell us what strange things are in that immense globe of fire. But when any thing that is possible, is revealed, reason can consent; but if reason cannot consent to it when it is told of it, then it is nothing, it hath no being, it hath no possibility: whatsoever is in our understanding is in being; for that which is not, is not intelligible; and to what reason cannot consent, in that no being can be supposed.

49. (2.) Not only what is impossible to reason, is possible in faith, but if any thing be really absurd or unreasonable, that is, against some truth, in which human reason is really instructed, that is a sufficient presumption against a proposition, that it cannot be an article of faith. For even this very thing, I mean, an avoiding of an absurdity, or an inconvenience, is the only measure and rule of interpreting very many places of Scripture. For why does not every christian pull out his right eye, or cut off his hand, and leg, that he might enter into heaven halt and blind? why do not we believe that Christ is a door, and a vine, and a stone, since these things are dogmatically affirmed in Scripture? but that we expound scriptures as we confute them who deny principles, by declaring that such senses or opinions introduce evil and foolish consequents, against some other truth in some faculty or other in which human reason is rightly taught. Now the measure and the limit of this, is that very thing which is the reason of this, and all the preceding discourse,—One truth cannot be against another:—if therefore your opinion or interpretation be against a truth, it is false, and no part of faith. A commandment cannot be against a revelation, a privilege cannot be against a promise, a threatening cannot mean against an article, a right cannot be against a duty; for all reason, and all right, and all truth, and all faith, and all commandments, are from God, and therefore partake of his unity and his simplicity.

50. (3.) This is to be enlarged with this advice, that in all questions of the sense of Scripture, the ordinary way is to be presumed before the extraordinary: and if the plain way be possible, and reasonable, and useful, and the extraordinary of no other use, but to make wonder and strangeness to the belief of the understanding, we are to presume for that, and to let this alone, because that hath the advantage of reason, it being more reasonable that God will keep the methods of his own creation, and bring us to him by ways with which we are acquainted, and by which we can better understand our way to him, than that he will do a miracle to no purpose, and without necessity; God never doing any thing for the ostentation, but very many things for the manifestation, of his power: for his wisdom and his power declare each other, and in every thing where he shows his mightiness, he also shows his wisdom, that is, he never does any thing without great reason. And therefore the Roman doctrine of the holy sacrament suffers an intolerable prejudice, because it supposes daily heaps and conjugations of miracles, wholly to no purpose; since the real body can be taken by them to whom it does no good; and all the good can be conveyed to us, though the body be only taken in a spiritual sense; all the good being conveyed by moral instruments, and to spiritual effect; and therefore the ordinary way, and the sense which the church of England gives, is infinitely to be preferred, because it supposes no violences and effects of miracles, no cramps and convulsions to reason: and a man may

receive the holy sacrament, and discourse of all its effects and mysteriousnesses, though he do not talk like a madman, or a man going out of his wits, and a stranger to all the reason and philosophy of the world: and therefore it is remarkable, that there is in our faith no article, but what is possible to be effected by the ordinary power of God: that a virgin should conceive is so possible to God's power, that it is possible in nature, say the Arabians; but however, he that made the virgin out of nothing, can make her produce something out of something: and for the resurrection of the dead, it is certainly less than the creation, and it is like that which we see every year, in the resurrection of plants and dead corn, and is in many degrees imitable by art, which can out of ashes raise a flower. And for all the other articles of our creed, they are so far from being miraculous and strange to reason, that the greatest wonder is, that our belief is so simple and facile, and that we shall receive so great and prodigious events hereafter, by instruments so fitted to the weakest capacities of men here below. Indeed some men have so scorned the simplicity of the gospel, that because they thought it honourable to have every thing strange and unintelligible, they have put in devices and dreams of miracles of their own, and have so explicated them, that as without many miracles they could not be verified, so without one they can hardly be understood. That which is easy to reason and most intelligible, is more like the plainness, and truth, and innocence, and wisdom, of the gospel, than that which is bones to philosophy, and iron to the teeth of babes.

51. But this is to be practised with caution; for every man's reason is not right, and every man's reason is not to be trusted: and therefore,

(4.) As absurd foolish things are not to be obtruded, under the pretence of being mysteries, so neither must mistaken philosophy, and false notices of things, be pretended for reason. There are mistakes on all hands, some christians explicate their mysteries, and mince them into so many minutes and niceties, and speak of them more than they are taught, more than is said in the Scriptures, or the first creeds, that the article, — which in its own simplicity was indeed mysterious, and not to be comprehended by our dark and less instructed reason, but yet was not impossible to be believed,—is made impossible to be understood by the appendages, and exposed to scorn and violences by heretics and misbelievers: so is the incarnation of the Son of God, the mysterious Trinity, the presence of Christ in the holy sacrament. For so long as the mysteries are signified in simple, wise, and general terms, reason can espy no particular impossibilities in them: but when men will explicate what they cannot understand, and intricate what they pretend to explicate, and superinduce new clauses to the article, and by entering within the cloud do less see the light, — they find reason amazed, where she could easily have submitted, and clouds brought upon the main article, and many times the body itself is supposed to be a phantasm, because of its tinsel and fairy dressing: and on the other side, he that would examine an article of faith by a proportion in philosophy, must be careful that his philosophy be as right as he pretends. For as it will be hard to expect that right reason should submit to a false article upon pretence it is revealed, so it will be as hard to distrust an article, because it is against a false proposition, which I was taught in those schools of learning, who speak things by custom, or by chance, or because they are taught, and because they are not suffered to be examined. Whoever offers at a reproof of reason, must be sure that he is right in the article, and that must be upon the strength of stronger reason; and he that offers by reason to reprove a pretended article, must be sure his reason must be greater than the reverence of that pretension.

52. And therefore Holy Scriptures command us in those cases to such purposes, as not only teach us what to do in it, but also confirm the main inquiry; for therefore we are commanded to "try all things;" suppose that be meant that we try them by Scriptures; how can we so try them, but by comparing line with line, by considering the consequents of every pretence, the analogy of faith, the measures of justice, the laws of nature, essential right, and prime principles? And all this is nothing but by making our faith the limit of our reason, in matters of duty to God; and reason the minister of faith, and things that concern our duty. The same is intended by those other words of another apostle, "Beloved, believe not every spirit, but try if the spirits be of God;" how can this be tried? By Scripture? Yea; but how if the question be of the sense of Scripture, as it is generally at this day? Then it must be tried by something extrinsical to the question, and whatsoever you can call to judgment, reason must still be your solicitor and your advocate and your judge; only reason is not always the law; sometimes it is, for so our blessed Saviour was pleased to say, "Why of yourselves do you not judge that which is reasonable?"[a] For so δίκαιον there is used, "that which is fitting and consonant to reason;" and in proportion to this it was, that so much of the religion of Jesus was clothed with parables, as if the theorems and propositions themselves were clothed with flesh and blood, and conversed after the manner of men, to whom reason is the law and the rule, the guide and the judge, the measure of good and evil for this life, and for that which is to come. The consequent is this:

53. He that says thus, "This doctrine is against the word of God, and therefore it is absurd and against reason," may, as it falls out, say true; but his proposition will be of no use, because reason is before revelation, and that this is revealed by God must be proved by reason. But,

54. He that says, "This is absurd, or this is against reason, therefore this is against the word of God," if he says true in the antecedent, says true in the consequent, and the argument is useful in the whole, it being the best way to interpret difficult scriptures, and to establish right senses, and to con-

[a] Luke xii. 57.

fute confident heresies. For when both sides agree that these are the words of God, and the question of faith is concerning the meaning of the words, nothing is an article of faith, or a part of the religion, but what can be proved by reasons to be the sense and intention of God. Reason is never to be pretended against the clear sense of Scripture, because by reason it is that we came to perceive that to be the clear sense of Scripture. And against reason, reason cannot be pretended; but against the words of Scripture produced in a question, there may be great cause to bring reason; for nothing seems plainer than those words of St. James, "Above all things, my brethren, swear not at all;" and yet reason interposes and tells us, that plain words must not be understood against plain reason and plain necessity: for if oaths before magistrates were not permitted and allowed, it were necessary to examine all men by torture; and yet neither so could they so well be secured of truth as they can by swearing. What is more plain than the words of St. Paul?[o] Νεκρώσατε τὰ μέλη ὑμῶν, τὰ ἐπὶ τῆς γῆς, "Mortify (or kill) your members, that are upon the earth;" and yet reason tells us, that we must not hurt or destroy one limb; and wherever the effect would be intolerable, there the sense is still unreasonable; and therefore not a part of faith, so long as it is an enemy to reason, which is the elder sister, and the guide and guardian of the younger.

55. For as when the tables of the law were broken by Moses, God would make no new ones, but bade Moses provide some stones of his own, and he would write them over: so it is in our religion; —when God with the finger of his Spirit writes the religion and the laws of Jesus Christ, he writes them in the tables of our reason, that is, "in the tables of our hearts."—"Homo cordatus," "a wise, rational man," sober, and humble, and discursive, hath the best faith: but the ἄτοποι, (as St. Paul calls them,) "the unreasonable," they are such who "have no faith,"[p] for the christian religion is called by St. Paul λογικὴ λατρεία, "a reasonable worship;" and the word of God is called by St. Peter,[q] γάλα λογικὸν ἄδολον, "the reasonable and uncrafty milk;" it is full of reason, but it hath no tricks, it is rational, but not crafty, it is wise and holy: and he that pretends there are some things in our religion, which right reason cannot digest and admit, makes it impossible to reduce atheists, or to convert Jews and heathens. But if reason invites them in, reason can entertain them all the day.

And now to the arguments brought against the use of reason; the answers may easily be gathered from the premises:

56. To the first I answer, that reason is the eye of the soul in all things, natural, moral, and religious; and faith is the light of that eye, in things pertaining to God; for it is true, that natural reason cannot teach us the things of God: that is, reason instructed only by this world, which St. Paul calls "the natural man,"—cannot discern the things of the Spirit, for they are "spiritually discerned:" that is, that they are taught and perceived by the aids of God's Spirit, by revelation and Divine assistances, and grace: but though natural reason cannot, yet it is false to say that reason cannot; for reason illuminated can perceive the things of God; that is, when reason is taught in that faculty, under that master, and by those rules which are proper for spiritual things, then reason can do all its intentions.

57. To the second I answer, that therefore humility and piety are the best dispositions to the understanding the secrets of the gospel.

(1.) Because these do remove those prejudices and obstructions which are bars and fetters to reason; and the humble man does best understand, because the proud man will not inquire, or he will not labour, or he will not understand any proposition that makes it necessary for him to lay aside his employment or his vanity, his interest or his vice.

(2.) These are indeed excellent dispositions to understanding, the best moral instruments, but not the best natural: if you are to dispute against a heathen, a good reason will sooner convince him than an humble thought; if you be to convert a Jew, an argument from the old prophets is better to him than three or four acts of a gracious comportment.

(3.) Sometimes by way of blessing and reward, God gives understanding to good persons, which to the evil he denies; but this which effects any thing by way of Divine blessing, is not to be supposed the best natural instrument. Thus the divines say, that the fire of hell shall torment souls, "tanquam instrumentum divinæ voluntatis," as the instrument in the hand of a voluntary and almighty agent, but not as a thing apportioned properly to such an event,—for the worm of conscience is more apt to that purpose.

(4.) And when we compare man with man, so it is true that the pious man should be sooner instructed than the impious, "cæteris paribus;" but if we compare discourse and piety, reason and humility, they excel each other in their several kinds, as wool is better than a diamond, and yet a diamond is to be preferred before a bag of wool; they operate to the same purpose of understanding in several manners: and whereas it is said in the argument, that "the doctrine of the cross was foolishness to the Greeks," it is true, but nothing to the present question. For therefore it was foolishness to them, because they had not been taught in the secrets of God, they were not instructed how God would, by a way so contrary to flesh and blood, cause the spirits of just men to be made perfect. And they who were wise by Plato's philosophy, and only well skilled in Aristotle, could do nothing in the schools of Jesus, because they were not instructed in those truths by which such proceedings were to be measured; but still, reason is the great wheel, though according as the motion was intended, new weights must be proportioned accordingly.

58. The third objection presses upon the point of duty, and "because the Scripture requires obedience of understanding, and submitting our most imperious faculties, therefore reason is to be excluded:" to this I answer, that we must submit our understanding

[o] Coloss. iii. 5. [p] 2 Thess. iii. 2. [q] 1 Pet. ii. 2.

to God, is very true, but that is only when God speaks. But because we heard him not, and are only told that God did speak, our reason must examine whether it be fit to believe them that tell us so; for some men have spoken falsely, and we have great reason to believe God, when all the reason in the world commands us to suspect the offerings of some men; and although we ought, for the greatest reasons, submit to God, yet we must judge and discern the sayings of God, from the pretences of men; and how that can be done without using our reason in the inquiries of religion, is not yet discovered; but for the obedience of understanding, it consists in these particulars.

The Particulars in which Obedience of Understanding consists.

59. (1.) That we submit to God only and not to man; that is, to God wherever it appears reasonable to be believed that he hath spoken,—but never to man, unless he hath authority from reason or religion to command our conformity.

60. (2.) That those things which, by the abuse and pretence of reason, are passed into a fictitious and usurped authority, make no part of our religion; for because we are commanded to submit our understanding to God, therefore we must "call no man master upon earth;" therefore it is certain that we must not believe the reports or opinions of men against a revelation of God. He that communicates with holy bread only, and gives not the chalice to all God's people that require the holy communion, does openly adhere to a fond custom and authority of abused men, and leaves the express, clearest undeniable institution of God.

61. (3.) When reason and revelation seem to disagree, let us so order ourselves, that so long as we believe this to be a revelation, no pretence of reason may change our belief from it: if right or sufficient reason can persuade us that this is not a revelation, —well and good; but if reason leave us in the actual persuasion that it is so, we must force our reason to comply with this, since no reason does force us to quit this wholly; and if we cannot quit our reason or satisfy it, let us carry ourselves with modesty, and confess the revelation, though with profession of our ignorance and unskilfulness to reconcile the two litigants.

62. (4.) That whatsoever is clearly and plainly told us, we obey it, and rest in it, and not measure it by the rules of folly and weak philosophy, or the sayings of men, in which error may be ingredient; but when things are unequal, that is, when we can doubt concerning our reason, and cannot doubt concerning the revelation, we make no question, but prefer this before that.

63. (5.) That in particular inquiries, we so order ourselves as to make this the general measure, that we never do violence to the word of God, or suspect that, but resolve rather to call ourselves liars, than that religion should receive detriment; and rather quit our arguments than hazard an article; that is, that when all things are equal, we rather prefer the pretence of revelation, than the pretences of reason, for the reverence of that and the suspicion of this. Beyond this we can do no more.

64. To the fourth I answer, that it is true, reason is fallible; or rather, to speak properly, ratiocination, or the using of reason, is subject to abuse and deception; for reason itself is not fallible; but if reason, that is, reasonings, be fallible, so are the pretences of revelation subject to abuse; and what are we now the nearer? Some reasons are but probable, and some are certain and confessed, and so it is in the sense of scriptures, some are plain and need no interpreter, no discourse, no art, no reasonings, to draw out their sense; but many are intricate and obscure, secret and mysterious; and to use a fallible reasoning to draw out an obscure and uncertain sense of Scripture, is sometimes the best way we have, and then we must make the best of it we can: but the use of reasoning is not only to find out truth the best we can, but sometimes we are as sure of it as of light; but then and always our reason (such as it is) must lead us into such proportions of faith as they can: according as our reason or motives are, so ordinarily is the degree of our faith.

65. To the fifth I need give no other answer but this, that it confesses the main question; for if this be the greatest reason in the world, "God hath said it, therefore it is true," it follows, that all our faith relies upon this one reason; but because this reason is of no use to us till the minor proposition be proved, and that it appear that God hath said it, and that in the inquiry after that, we are to use all our reason;—the consequent is, that in the first and last, reason lends legs to faith,—and nothing can be wisely believed, but what can, by some rational inducement, be proved. As for the last proposition in the objection, "This is against Scripture, therefore it is absurd and unreasonable," I have already made it appear to be an imprudent and useless affirmative.

66. The sixth objection complains of them that by weak reasonings lose their religion,—but this is nothing against right reasoning; for because mountebanks and old women kill men by vile physic, therefore is it true, that the wise discourses of physicians cannot minister to health? Half-witted people talk against God, and make objections against religion, and themselves have not wit or will enough to answer them,—and they intending to make reason to be the positive and affirmative measure of religion, are wholly mistaken, and abuse themselves and others. 2. We are not to exact every thing in religion according to our weak reasonings; but whatsoever is certain in reason, religion cannot contradict that; but what is uncertain or imperfect, religion oftentimes does instruct and amend it. But there are many mysteries of religion contrary to reason, corrupted with evil manners; and many are contrary to reason, corrupted with false propositions; now these men make objections, which upon their own principles they can never answer: but that which seems impossible to vicious persons, is reason to good men; and that which children and fools cannot answer, amongst

wise men hath no difficulty; and "the ignorant, and the unstable, wrest some scriptures to their own damnation:" but concerning the new atheists that pretend to wit, it is not their reason, but their want of reason, that makes them such; for if either they had more learning, or did believe themselves to have less, they could never be atheists.

67. To the last I answer, (1.) that it is reason we should hear reason wherever we find it, if there be no greater evil brought by the teacher than he can bring good; but if a heretic preaches good things, it is not always lawful to hear them, unless when we are out of danger of his abuses also. And thus truth from the devil may be heard, if we were out of his danger; but because he tells truth to evil purposes, and makes wise sayings to become craft, it is not safe to hear him. (2.) But besides this, although it is lawful to believe a truth which the devil tells us, yet it is not lawful to go to school to the devil, or to make inquiries of him; because he that does so, makes him his master, and gives something of God's portion to God's enemy. As for judicial astrology and genethliacal predictions, for my part I therefore reprove them, not because their reason is against religion, for certainly it cannot be; but because I think they have not reason enough in what they say; they go upon weak principles which they cannot prove; they reduce them to practice by impossible mediums; they draw conclusions with artless and unskilful heads; they argue about things with which they have little conversation; they cannot make scientifical progress in their profession, but out of greediness to do something; they usually, at least are justly suspected to, take in auxiliaries from the spirits of darkness; they have always spoken uncertainly, and most part falsely; and have always lived scandalously in their profession: they have by all religions been cried down, trusted by none but fools and superstitious people; and therefore, although the art may be very lawful, if the stars were upon the earth, or the men were in heaven, if they had skill in what they profess, and reason in all their pretences, and after all, that their principles were certain, and that the stars did really signify future events, and that those events were not overruled by every thing in heaven and in earth, by God, and by our own will and wisdom,—yet because here is so little reason, and less certainty, and nothing but confidence and illusion, therefore it is that religion permits them not; and it is not the reason in this art, that is against religion, but the folly or the knavery of it, and the dangerous and horrid consequents which they feel, that run a whoring after such idols of imagination.

RULE IV.

A Judgment of Nature, or Inclination, is not sufficient to make a sure Conscience.

1. BECAUSE this rule is of good use, not only for making judgment concerning the states of some men, but also in order to many practices, it will not be lost labour to consider that there are three degrees of practical judgment.

2. The first is called an inclination, or the first natural consonancy between the faculty or disposition of man, and some certain actions. All men are naturally pitiful, in some degree, unless their nature be lame and imperfect: as we say, all men naturally can see,—and it is true, if they have good eyes: so all men naturally are pitiful, unless they have no bowels: but some more, some less. And therefore there is in their natures a conveniency, or agreeing between their dispositions and acts of charity. 1. In the lowest sort there is an aptness to it. 2. In the sweeter and better natures there is a virtual charity. 3. But in those that consider and choose, and observe the commandment, or the proportions of right reason, there is in these only a formal, deliberative, compound, or practical judgment.

3. Now concerning the first sort, that is, the natural disposition or first propensity, it is but a remote disposition towards a right conscience and a practical judgment; because it may be rescinded, or diverted by a thousand accidents, and is nothing else but a relic of the shipwreck which Adam and all the world have made, and may pass into nothing as suddenly as it came. He that sees two cocks fight, though he have no interest in either, will assist one of them at least by an ineffective pity and desire: but this passes no further than to natural effects, or the changes or affections of a loadstone; it may produce something in nature, but nothing in manners.

4. Concerning the second, that is, a virtual judgment, that is a natural inclination passing forth into habit or custom, and delight in the actions of some virtues; it is certain that it is one part of the grace of God, and a more promoted and immediate disposition to the virtue of its kind than the former. Some men are naturally very merciful, and some are abstemious, and some are continent: and these in the course of their life take in every argument and accidental motive, and the disposition swells, and the nature is confirmed. But still it is but nature. The man, it may be, is chaste, because he hates the immodesty of those addresses which prepare to uncleanness; or he loves his quiet, or fears the accidents of his enemy-crime; or there was a terror infused into him by the sight of a sad spectacle, the evil reward of an adulterous person:

——quosdam mœchos dum mugilis intrat. JUVEN.

Concerning this kind of virtual judgment, or confirmed nature, I have two things to say:

5. (1.) That this virtual judgment can produce love or hatred to certain objects, ineffective complacences or disrelishes respectively, proper antipathies and aversations from a whole kind of objects; such as was that hatred that Tamerlane had to Zercon, or some men to cats. And thus much we cannot deny to be produced by the operation and simple apprehension of our senses by pictures and all impressions of fancy: "Cum opinamur difficile aliquid aut terribile, statim compatimur: se-

cundum imaginem autem similitèr nos habemus."[r] We find effects and impresses according to the very images of things we see, and by their prime apprehensions: and therefore much rather may these "actus imperati," or more natural and proper effects and affections of will, be entertained or produced respectively. Men at first sight fall in love with women, and that against their reason, and resolution, and counsel, and interest, and they cannot help it; and so they may do with some actions of virtue. And as in the first case they are rather miserable than vicious; so in this they are rather fortunate than virtuous: and they may be commended, as we praise a fair face, or a strong arm, an athletic health, or a good constitution; and it is indeed a very good disposition and a facilitation of a virtuous choice. But,

6. (2.) This virtual judgment, which is nothing but nature confirmed by accidents, is not a state of good by which a man is acceptable to God. Neither is it a sufficient principle of a good life, nor indeed of the actions of its own kind. Not of good life, because it may be in a single instance; and it can never be in all. The man that is good-natured, that is naturally meek and loving, goes the furthest upon this account; but without the conjunction of other virtues, it is a great way off from that good state, whither naturally it can but tend and incline: and we see some good things are made to serve some evil; and by temperance, and a moderate diet, some preserve their health, that they may not preserve their chastity: and they may be habitually proud, because they are naturally chaste: and then this chastity is no virtue, but a disposition and an aptness only. In this sense that of St. James may be affirmed, "He that offends in one, is guilty of all;" that is, if his inclinations, and his accidentally-acquired habits, be such as to admit a mixture, they are not genuine and gracious: such are these that are the effects of a nature, fitted towards a particular virtue. It must be a higher principle that makes an entire piety; nature, and the habits growing upon her stock, cannot do it. Alexander was a continent prince, and the captive beauties of Persia were secured by it in their honours; but by rage he destroyed his friend, and by drunkenness he destroyed himself.

But neither is this virtual judgment a sufficient principle of the actions of its own kind; for this natural strength is nothing but an uneasiness and unaptness to suffer by common temptations: but place the man where he can be tempted, and this good disposition secures him not, because there may be something in nature bigger than it.

7. It remains then, that to the constitution of a right and sure conscience, there is required a formal judgment, that is, a deliberation of the understanding, and a choice of the will, that being instructed, and this inclined by the grace of God: "Tantoque laudabilior munificentia nostra fore videbatur, quod ad illam non impetu quodam, sed consilio trahebamur," said Secundus:[s] then it is right and good, then when it is not violent, necessary, or natural, but when it is chosen. This makes a right and sure conscience, because the grace of God hath a universal influence into all the course of our actions. "For he that said, Do not kill, said also, Do not steal:" and if he obeys in one instance, for that reason must obey in all, or be condemned by himself; and then the conscience is right in the principle and fountain, though defiled in the issue and emanation. For he that is condemned by his own conscience, hath the law written and the characters still fair, legible, and read; but then the fault is in something else; the will is corrupted. The sum is this:

8. It is not enough that the conscience be taught by nature, but it must be taught by God, conducted by reason, made operative by discourse, assisted by choice, instructed by laws and sober principles; and then it is right, and it may be sure.

[r] Vide Aristot. de Anima, lib. 2. text. 154.

RULE V.

When two Motives concur to the determination of an action, whereof one is virtuous, and the other secular, a right Conscience is not prejudiced by that mixture.

1. He that fasts to punish himself for his sins, and at the same time intends his health, though it will be very often impossible for him to tell himself which was the final and prevailing motive and ingredient into the persuasion, yet it is no detriment to his conscience; the religious motive alone did suffice to make it to be an act of a good conscience; and if the mixture of the other could change this, it could not be lawful to use, or in any degree to be persuaded by, the promises of those temporal blessings which are recorded in both Testaments, and to which there is a natural desire, and proper inclination. But this also is with some difference.

2. If the secular ingredient be the stronger, it is in the same degree as it prevails over the virtuous or religious, a diminution of the worthiness of the action; but if it be a secular blessing under a promise, it does not alter the whole kind of the action. The reason is this: because whatever God hath promised, is therefore desirable and good, because he hath promised it, or he hath promised it because it is of itself good, and useful to us; and therefore whatever we may innocently desire, we may innocently intend: but if it be mingled with a religious and spiritual interest, it ought not to sit down in the highest place, because a more worthy is there present, lest we be found to be passionate for the things of this life, and indifferent for God and for religion.

3. If the secular or temporal ingredient be not under a promise, and yet be the prime and chief motive, the whole case is altered: the conscience is not right, it is natural inclination, not conscience, it is sense or interest, not duty. He that gives alms with a purpose to please his prince, who is charitable and religious, although his purpose be innocent, yet because it is an end which God hath not encouraged by propounding it as a reward of charity,

[s] Lib. 1. ep. 8.

the whole deliberation is turned to be a secular action, and passes without reward. Our blessed Saviour hath, by an instance of his own, determined this case. "When thou makest a feast, call not the rich, who can make thee recompence; but call the poor, and thou shalt have reward in heaven." To call the rich to a feast is no sin; but to call them is to lose the reward of charity, by changing the whole nature of the action from charity to civility, from religion to prudence.

4. And this hath no other exception or variety in it, but when the mixture is of a thing that is so purely natural, that it is also necessary: thus to eat upon a festival-day to satisfy a long hunger, to be honestly employed to get a living, do not cease to be religious,—though that which is temporal, be the first and the greatest cause of the action or undertaking. But the reason of this difference, if any be apprehended, is because this natural end is also a duty, and tacitly under a promise.

5. Quest. It is usually required, that all that enter into the holy offices of the ministry, should so primely and principally design the glory of God; that all other considerations should scarce be ingredients into the resolution: and yet if it be inquired how far this is obligatory, and observe how little it is attended to in the first preparations to the order, the very needs of most men will make the question material.

But I answer to the question, in proportion to the sense of the present rule.

6. (1.) Wherever a religious act by God's appointment may serve a temporal end and a spiritual, to attend either is lawful; but it is still more excellent, by how much preference and greater zeal we more serve the more excellent. Therefore although it be better to undertake the sacred function wholly for ends spiritual, yet it is lawful to enter into it with an actual design to make that calling the means of our natural and necessary support. The reason is:

7. Because it is lawful to intend what God hath offered and propounded. The end which God hath made cannot be evil, and therefore it cannot be evil to choose that instrument to that end, which by God's appointment is to minister to that end. Now since "God hath ordained that they who preach the gospel should live of the gospel," it cannot be unlawful to design that in order to this.

8. (2.) If our temporal support and maintenance be the first and immediate design, it makes not the whole undertaking to be unlawful. For all things, and all states, and all actions, are to be directed or done to the glory of God; according to that saying of St. Paul, "Whether ye eat or drink, or whatsoever ye do, do all to the glory of God:" and that one calling should be more for God's glory than another, is by reason of the matter and employment; but in every one, for its portion still, God's glory must be the principal: and yet no man questions but it is lawful for any man to bring his son up to the most gainful trade, if in other things there be no objection; and therefore why this may not be the first moving consideration in the susception of, or designation to, the calling ecclesiastical, cannot have any reason in the nature of the thing: for if in all things God's glory must be the principal end, and yet in some callings the temporal advantage is the first mover, then it may be so in all,—the intention of God's glory notwithstanding: for if it hinders not in that, it hinders not in this. But yet,

9. (3.) It is a great imperfection actually to think of nothing but the temporal advantages, of which God hath in that calling made provisions; but I say, it is not always a sin to make them the first mover in the designing the person to that calling.

10. But therefore this is only tolerable in those persons who at great distance design the calling; as when they first study to make themselves capable of it, then it is tolerable, because they are bound to provide for themselves in all just ways, and standing at so great distances from it, cannot behold the beauties which are "in interiori domo;" the duty which is on them, is to do that which is their proper work; that is, to fit themselves with abilities and skill to conduct it, and therefore their intention must be fitted accordingly, and move by the most powerful and prevailing motive, so it be lawful. He that applies himself to learn letters, hath an intention proportionable to his person and capacity when he first enters, and as he grows in powers, so must he also in purposes; so that as he passes on to perfection, he may also have intentions more noble and more perfect: and a man in any calling may first design to serve that end that stands next him; and yet when he is possessed of that, look on further to the intention of the thing, and its own utmost capacity. But therefore,

11. (4.) Whoever does actually enter into orders, must take care that his principal end be the glory of God, and the good of souls. The reasons are these:

12. (1.) Because no man is fit for that office, but he that is spiritual in his person, as well as his office: he must be a despiser of the world, a light to others, an example to the flock, a great denier of himself, of a celestial mind, he must mind heavenly things; with which dispositions it cannot consist, that he who is called to the lot of God, should place his chief affections in secular advantages.

13. (2.) This is that of which the apostle was a glorious precedent, "We seek not yours, but you; for the parents lay up for the children, not children for their parents:"[t] meaning, that between the spiritual and the natural paternity, there is so much proportion, that when it is for the good of the children, they must all quit their temporal advantages; but because this is to be done for the spiritual, it follows, this must be chief.

14. And this I suppose is also enjoined by another apostle, "feeding the flock of God, not for filthy lucre's sake," ἀλλὰ προθύμως, that is, but "of a prompt, ready mind;"[u] a mind moved by intrinsic arguments of fair design, not drawn by the outward cords of vanity and gain.

15. (3.) The work of the calling being princi-

[t] 2 Cor. xii. 14.

[u] 1 Pet. v. 2.

pally and immediately for the good of souls, and for the glory of God, it cannot be pursued as the nature of the work requires, if that be not principally intended which is principally to be procured; all that which is necessary in order to it, must also be taken care of: thus the ministers of religion may attend their health, and must look to their necessary support, and may defend themselves against all impediments of their offices in just and proportionable ways: but because all these have further purposes, although they standing nearest may be first regarded by an actual care, at some times, and in some circumstances, and by actual attention; yet habitually, and principally, and constantly, the glory of God, and the good of souls, must be in the heart, and in the purpose of every action.

16. But the principality and pre-eminence of this intention are no otherwise to be judged of, either by ourselves or others, than by these following significations.

(1.) No man can in any sense principally, that is, as he ought, intend the good of souls, who enters into the sacred ministry without those just measures of preparation and disposition, which are required by the church, and the nature of the thing itself; that is, that he be well instructed in the Holy Scriptures, and be fit to teach, to exhort, to reprove. For he who undertakes a work which can serve God's end and his own in several capacities, and is not sufficiently instructed to serve the ends of God, —it is apparent that what he undertakes is for his own end.

17. (2.) His intentions cannot be right, who by any indirect arts does enter, for that which does not begin at God, cannot be for God: "Non enim ambitione, vel pretio, sed probatæ vitæ et disciplinarum testimonio, ad honoris et sacerdotii insignia oportet promoveri," said the emperor Theodosius. He therefore who simoniacally enters, fixes his eye and heart upon that which he values to be worth money, not upon the spiritual employment, between which and money there can be no more proportion, than between contemplation and a cart-rope; they are not things of the same nature; and he that comes into the field with an elephant, cannot be supposed to intend to hunt a hare; neither can he be supposed to intend principally the ministry of souls, who comes to that office instructed only with a bag of money.

18. (3.) He may be supposed principally to intend the ministry of souls, and in it the glory of God, who so attends to the execution of his office, that it does really and sufficiently minister to the thing. For since the calling is by God really designed to that end, and if the ministers be not wanting to themselves, they are sufficiently enabled and assisted to that purpose; he that zealously and wisely ministers in the office, hath given a most real testimony of his fair intention, because he does that thing so as those intentions only can be effected. The thing itself is sufficient for the end if God blesses it; he therefore that does the thing, does actuate the intention of God, and sanctifies his own: but this is to be understood with the addition of the following caution.

19. (4.) He may be confident that his intentions for God's glory and the good of souls are right and principal, who so conjoins his other lesser ends with the conduct of the greater, that they shall always be made to give place to the greater. That is, who still pursues the interest of souls, and the work of his ministry, when the hopes of maintenance, or honour, or secular regards do fail. For he that for carnal or secular regards will either quit or neglect his ministry, it is certain, his carnal or secular ends were his chief motive and incentive in the work. It was the case of Demas, who was St. Paul's minister and work-fellow in the service of the gospel, but he left him, because "he loved the present world;"[x] concerning which, it is to be considered, that this lapse and recession of Demas from the assistance of St. Paul, did not proceed from that love of the world which St. John speaks of, and is criminal, and forbidden to all christians, which "whosoever hath, the love of the Father dwells not in him,"[y] but is to be understood of such a love, which to other christians is not unlawful, but was, in those times especially, inconsistent with the duty of evangelists, in those great necessities of the church: Demas was a good man, but weak in his spirit, and too secular in his relations, but he returned to his station, and did the work of an evangelist, awhile after, as appears in the epistle to the Colossians and Philemon; but for the present he was to blame. For he would secure his relations and his interests with too great a caution and diligence, and leave the other, to attend this. Such as now-a-days is too great care of our estates, secular negociations, merchandises, civil employments, not ministering directly unto religion, and the advantages of its ministration. For our great King the Lord Jesus hath given to all christians some employment, but to some more, to some less, and in their own proportion they must give a return: and in a minister of the gospel, every inordination of carefulness, and every excess of attendance to secular affairs, and every unnecessary avocation from, or neglect of, his great work, is criminal: and many things are excesses in them, which are not in others, because the ministerial office requires more attendance and conversation with spiritual things, than that of others.

20. (5.) If ever the minister of holy things, for hope or fear, for gain or interest, desert his station, when he is persecuted, or when he is not persecuted, —it is too much to be presumed, that he did not begin for God, who, for man, will quit God's service. They that wander till they find a rich seat, do all that they do for the riches of the place, not for the employment: "Si non ubi sedeas, locus est, est ubi ambules," said he in the comedy; the calling of these men is not fixed but ambulatory: and if that which fixes them be temporal advantages, then that which moved them principally is not spiritual employment.

21. For it is considerable, that if it be unlawful to undertake the holy calling, without a Divine vocation to it, then to forsake it without a Divine

[x] 2 Tim. iv. 10.

[y] 1 John ii. 15.

permission must be criminal. He that calls to come, calls to continue, where the need is lasting, and the office perpetual. But to leave the calling when the revenue is gone, to quit the altar when it hath no offering, to let the souls wander when they bring no gifts,—is to despise the religion, and to love only the fat of the sacrifices: for the altar indeed does sanctify the gift, but not the gift the altar; and he hath but a light opinion of an eternal crown of glory, or thinks God but an ill paymaster, that will do him service upon the stock of his promises, and will not feed the flock, though he have no other reward but to be feasted in the eternal supper of the Lamb. Who are hirelings, but they who fly when the wolf comes? And woe be to that evangelist, who upon any secular regard neglects to preach the gospel; woe be to him, to whom it shall be said at the day of judgment, "I was hungry, and my flock was hungry, and ye fed neither it nor me."

But this is to be understood with these liberties:

22. (1.) That it be no prejudice to those ecclesiastics, who in time of persecution do so attend to their ministries, that no material part of it be omitted, or slightly performed, and yet take from it such portions of time as are necessary for their labour or support, by any just and honest employment. Thus St. Paul wrought in the trade of a tent-maker, because he would not be a burden to the church of Corinth; and when the church is stripped naked of her robes, and the bread of proposition is stolen from her table by soldiers, there is no peradventure but the ecclesiastical offices are so to be attended to, that the natural duty and necessity be not neglected.

23. (2.) That it be no prejudice to ecclesiastics in the days of peace or war, to change their station from bishop to bishopric, from church to church, where God or the church, where charity or necessity, where prudence or obedience, calls. Indeed it hath been fiercely taught, that ecclesiastics ought never, and upon no pretence, to desert their church, and go to another, any more than a man may forsake his wife; and for this a decretal of Pope Evaristus is pretended, and is recorded in the canon law. "Sicut vir non debet adulterare uxorem suam, ita nec episcopus ecclesiam suam, ut illam dimittat ad quam fuit sacratus:"[2] and therefore when Eusebius the bishop of Cæsarea was called to be bishop of Antioch, he refused it pertinaciously, and for it was highly commended by the emperor; and St. Jerome in his epistle to Oceanus tells, "In Nicenâ synodo à patribus decretum est, ne de alia in aliam ecclesiam episcopus transferatur, ne, virginalis pauperculæ societate contempta, ditioris adulteræ quærat amplexus." Something indeed like it was decreed by the fifteenth and sixteenth canons of the Nicene council; and it was a usual punishment amongst the holy primitives, "careat cathedra propria, qui ambit alienam." But these things, though they be true and right, yet are not contradictory to the present case. For,

24. (1.) Evaristus, it is clear, forbade translations and removes from church to church, "ambitus causâ," for ambition or covetousness, and therefore it is by him expressly permitted in their proper cases and limits; that is, "in inevitabili necessitate, aut apostolica, vel regulari mutatione," "when there is inevitable necessity," or the command and authority of a superior power: and yet upon perusal of the decree I find, that Evaristus's intent was, that a bishop should not thrust his church from him by way of divorce and excommunication, and take another: as appears not only by the corresponding part of the decree, viz. "that neither must the church take in another bishop or husband upon him to whom already she is espoused;" but by the expression used in the beginning of it, "Dimittere ecclesiam episcopus non debet;" and it is compared to the adultery of a man that puts away his wife, and marries another; and also it appears more yet by the gloss, which seems to render the same sense of it, and wholly discourses of the unlawfulness to excommunicate a church or a city, lest the innocent should suffer with the criminal; for when a church is excommunicated, though all those persons die upon whom the sentence fell, yet the church is the same under other persons their successors; and therefore all the way it does injustice, by involving the new-arising innocents, and at last is wholly unjust by including all and only innocent persons. But which way soever this decree be understood, it comes not home to a prohibition of our case.

25. (2.) As for Eusebius, it is a clear case he imposed upon the good emperor, who knew not the secret cause of Eusebius's denial to remove from Cæsarea to Antioch. For he having engaged the emperor beforetime to write in his behalf, that he might be permitted to enjoy that bishopric, was not willing to seem guilty of levity and easiness of change. But that was not all, he was a secret favourer of the Arians, and therefore was unwilling to go to that church, where his predecessor Eustathius had been famous for opposing that pest.

(3.) To that of St. Jerome out of the Nicene council, I answer, That the prohibition is only of such, as without authority, upon their own head, for their own evil purposes, and with injury to their own churches, did it; and of covetousness it is, that St. Jerome notes and reproves the practice: to despise our charge because it is poor, is to love the money more than the souls, and therefore this is not to be done by any one of his own choice; but if it be done by the command or election of our superior, it is to be presumed it is for the advantage of the church in matter of direct reason, or collateral assistances, and therefore hath in it no cause of reproof.

26. And to this purpose the whole affair is very excellently stated by the fourteenth canon of the apostles; "A bishop must not leave his own parish or diocess, and invade that of another man, 'nisi forte quis cum rationabili causâ compellatur, tanquam qui possit ibidem constitutus plus lucri conferre, et in causâ religionis aliquid profectus prospicere.'" If there be a reasonable cause, he may; and the cause is reasonable, if by going he may do more good or advantage to religion: but of this he is not to be judge himself, but must be judged by his superiors; "et hoc non à semetipso pertentet,

[2] Cap. Sicut. Vir. can. 7. q. 1.

sed multorum episcoporum judicio, et maximâ supplicatione perficiat;" "he must not do it on his own head, but by the sentence and desire of the bishops."

27. There needs no more to be added to this, but that if a greater revenue be annexed to another charge, and that it be "in rem ecclesiæ," that the more worthy person should be advanced thither, to enable his better ministries by those secular assistances, which our infirmity needs, there is nothing to be said against it, but that if he be the man he is taken for, he knows how to use those advantages to God's glory, and the good of souls, and the services of the church; and if he does so, his intentions are to be presumed pure and holy, because the good of souls is the principal.

28. Upon the supposition of these causes, we find that the practice of the ancient bishops and clerks in their translations was approved. Origen did first serve God in the church of Alexandria, afterwards he went to Cæsarea, to Antioch, to Tyre: and St. Gregory Nazianzen changed his episcopal see eight times. Nay, the apostles themselves did so: St. Peter was first bishop of Antioch, afterwards of Rome: and the necessity and utility of the churches called St. Paul to an ambulatory government and episcopacy, though at last he also was fixed at Rome; and he removed Timothy and Titus from church to church, as the need and uses of the church required. But in this, our call must be from God, or from our superiors, not from levity or pride, covetousness or negligence. Concerning which, who please further to be satisfied, may read St. Athanasius's epistle to Dracontius, of old; and of late, Chytræus "in epistolis p. 150. et 678." and Conradus Porta in his "Formalia." This only; If every man were indispensably tied to abide where he is first called to minister, then it were not lawful for an inferior minister to desire the good work of a bishop; which because it is not to be administered in the same place or charge, according to the universal discipline of the church for very many ages, must suppose that there can be a reasonable cause to change our charges, because the apostle commends that desire which supposes that change.

29. These being the limits and measures of the rule, it would be very good if we were able to discern concerning the secrets of our intentions, and the causes of actions. It is true, that because men confound their actions and deliberations, it will be impossible to tell, in many cases, what motive is the principal ingredient. "Sed ut tunc communibus magis commodis, quam privatæ jactantiæ studebamus, cùm intentionem effectumque muneris nostri vellemus intelligi; ita nunc in ratione edendi veremur, ne fortè non aliorum utilitatibus, sed propriæ laudi servisse videamur." It is hard for a wise and a gallant man, who does public actions of greatest worthiness deserving honour, to tell certainly whether he is more pleased in the honours that men do him, or in the knowledge that he hath done them benefits. But yet in very many cases, we may at least guess probably which is the prevailing ingredient, by these following measures; besides those which I have noted[a] and applied to the special case of undertaking the calling ecclesiastical.

Signs of Difference, whereby we may in a mixed and complicated Intention, discern which is the principal Ingredient.

30. (1.) Whatsoever came in after the determination was made, though it add much the greater confidence, and makes the resolution sharper and more active, yet it is not to be reckoned as the prevailing ingredient; for though it add degrees, yet the whole determination was perfected before. The widow Fulvia was oppressed by Attilius; she complains to Secundus the lawyer. He considers whether he should be advocate for his friend Attilius, or for the oppressed Fulvia; and at last determines on the side of piety and charity, and resolves to relieve the widow, but with some abatement of his spirit and confidence, because it is against his friend; but charity prevails. As he goes to court he meets with Caninius, who gloriously commends the advocation,—and by superadding that spur made his diffidence and imperfect resolution confident and clear. In this case the whole action is to be attributed to piety, not to the love of fame; for this only added some moments, but that made the determination.

31. (2.) When the determination is almost made, and wants some weight to finish it, whatsoever then supervenes and casts the scales, is not to be accounted the prevailing ingredient, but that which made most in the suspension and time of deliberation, and brought it forward. It is like buying and selling: not the last maravedi that was stood upon, was the greatest argument of parting with the goods; but that farthing added to the bigger sum, made it big enough: and a child's finger may thrust a load forward, which being haled by mighty men stands still for want of a little assistance.

32. (3.) That is the prevailing ingredient in the determination which is most valued, not which most pleases; that which is rationally preferred, not that which delights the senses. If the man had rather lose the sensual than the intellectual good, though in that his fancy is more delighted, yet this is the stronger and greater in the Divine acceptance, though possibly in nature it be less active, because less pleasing to those faculties, which whether we will or no, will be very much concerned in all the intercourses of this life. He—that keeps a festival in gratitude and spiritual joy to do God glory, and to give him thanks, and in the preparation to the action is hugely pleased by considering the music, the company, the festivity and innocent refreshments, and in his fancy, leaps at this, but his resolution walks on by that,—hath not spoiled the regularity of his conscience by the intertexture of the sensual with the spiritual, so long as it remains innocent. For though this flames brightest, yet the other burns hottest, and will last longer than the other. But of this there is no other sign, but that first we be infinitely careful to prescribe measures

[a] Vide Rule of Holy Living, chap. 1. sect. 2.

and limits to the secular joy, that it may be perfectly subordinate to, and complying with, the spiritual and religious: and secondly, if we are willing to suppress the light flame, rather than extinguish the solid fire.

33. (4.) Then the holy and pious ingredient is overpowered by the mixture of the secular, when an instrument toward the end is chosen more proportionable to this than to that. Cæcilius, to do a real not a fantastic benefit to his tenants, erected a library in his villa, and promised a yearly revenue for their children's education, and nobler institution: and thus far judgment ought to be made, that he intended piety rather than fame; for to his fame, plays and spectacles would (as the Roman humour then was) have served better; but when in the acting his resolution he praised that his pious purpose, and told them he did it for a pious, not a vain-glorious end, however the intention might be right, this publication was not right: but, when he appointed that anniversary orations should be made in the praise of his pious foundation, he a little too openly discovered what was the bigger wheel in that motion. For he that serves a secret piety by a public panegyric, disorders the piety by dismantling the secret: it may still be piety, but it will be lessened by the publication; though this publication be no otherwise criminal, than because it is vain. "Meminimus, quanto majore animo honestatis fructus in conscientiâ, quam in famâ, reponatur. Sequi enim gloria, non appeti, debet: nec si casu aliquo non sequatur, idcirco quod gloriam meruit, minus pulchrum est. Hi vero, qui benefacta sua verbis adornant, non ideo prædicare, quia fecerint, sed ut prædicarent, fecisse creduntur;"[b] which is the very thing which I affirm in this particular. If the intermediate or consequent actions serve the collateral or secular end, most visibly it is to be supposed, that this was the greater motive, and had too great an influence into the deliberation.

But because the heart of man is so intricate, trifling, and various, in most cases it must be sufficient for us to know, that if the mixture be innocent the whole deliberation is secured in the kind of it, and for degrees we must do as well as we can.

35. But, on the other side, if the secular end mixed with the spiritual and religious, the just and the honest, be unlawful, and yet intended, though in a less degree, though but accidentally and by an after-consent; the conscience is neither sure nor right, but is dishonoured and defiled; for the whole deliberation is made criminal by mingling with forbidden purposes. He that takes up arms under his prince in a just war, and at the same time intends revenge against his private enemy, casually engaged on the adverse party, loses the reward of his obedience, and changes it for the devilish pleasures of revenge.

Concerning the measure and conduct of our intentions, there are some other things to be said, but because they are extrinsical to the chief purpose of this rule, they are properly to be considered under their own head.

[b] Plin. lib. 1. ep. 8.

RULE VI.

An Argument not sufficient nor competent, though it do persuade us to a Thing in itself good, is not the Ground of a right, nor a sufficient Warrant for a sure Conscience.

1. HE that goes to public prayers because it is the custom, or communicates at Easter to avoid a censure, hath done an act in itself good, but his motive was neither competent nor sufficient to make the action religious, or to manifest and declare the conscience to be sure and right. For conscience is the repository of practical reasons: and as in civil actions, we count him a fool who wears clothes only because they cost him nothing, or walks because he would see his shadow move upon the wall; so it is in moral. When the reason is incompetent, the action is by chance, neither prudent nor chosen, alterable by a trifle, tending to a cheap end, proceeding by a regardless motion: and conscience might as well be seated in the fancy, or in the foot, as in the understanding, if its nature and proper design were not to be conducted with reasons proportionable to such actions, which tend to an end perfective of man, and productive of felicity.

2. This rule is so to be understood, that it be not required of all men to have reasons equally good for the same determinations, but sufficient and reasonable in themselves, and apt to lead them in their proper capacities and dispositions, that is, reasons proportionable to that kind of things in which the determination is instanced, viz. a religious reason for an action of religion; a prudent reason for a civil action: but if it be in its proper kind, it is sufficient if it be probable, provided always, that it makes a sure mind, and a full persuasion.

3. He that believes christian religion, because the men are charitable and chaste, and so taught to be, and commanded by the religion, is brought into a good place by a single taper; but he came in by no false light, and he is there where he ought to be. He did not see the way in so brightly as St. Paul did, who was conducted in by an angel from heaven with a bright flame in his hand; but he made shift to see his way in: and because the light that guided him came from heaven, his conscience was rightly instructed, and if it persuaded him heartily, his conscience is as sure as it is right.

4. Quest. Upon the account and consequence of this rule it is proper to inquire, Whether it be lawful and ingenuous, to go about to persuade a man to the belief of a true proposition, by arguments with which himself is not persuaded, and which he believes are not sufficient? The case is this:

5. Girolami, a learned priest of Ferrara, finds that many of his parishioners are infected with Judaism, by reason of their conversation with the Jewish merchants. He studies the Jewish books to discover the weakness of their arguments, and to convince them upon their own grounds. But finding his parishioners moved only by popular arguments, and not capable of understanding the secrets of the

old prophets, the synchronisms, nor the computation of Daniel's weeks, the infinite heaps of reasons by which christianity stands firm in defiance of all pretensions to the contrary; sees it necessary to persuade them by things as easy as those are by which they were abused. But then he considers; if they were by error led into error, it is not fit that by error also they should be led out of it into truth, for God needs not to be served with a lie, and evil must not be done that good may be thence procured. But if I go by a false argument to cozen them into truth, I tell a lie to recover them from a lie, and it is a disparagement to the cause of God, that it must be supported by the devil. But having discoursed thus far, he considers further: every argument which I am able to answer, I know cannot conclude in the question; for if it be to be answered, it is at most but a specious outside of reason; and he that knows this, or believes it so, either must not use that instrument of persuasion, or, if he does, he must resolve to abuse the man's understanding before he can set it right: and this he believes to be against the honour of truth, and the rules of charity, and the simplicity and ingenuity of the spirit of a christian.

To this Question I answer by several Propositions.

6. (1.) It is not lawful to tell a lie for God and for truth; because God will not be served by that which he hates, and there are no defects in truth which need such violent remedies. Therefore Girolami might not, to persuade his Judaizing parishioners, tell them a tale of a vision, or pretend a tradition which is not, or falsify a record because these are direct arts of the devil, this is a doing evil for a good end: and every single lie is directly hated by God, and where there is a difference, it is made by complication, or the mixing of something else with a lie: and because God hath created and communicated to mankind, not only sufficient but abundant justifications of whatsoever he hath commanded us to believe, therefore he hates infinitely to have his glorious economy of faith and truth to be disordered and discomposed by the productions of hell. For every lie is of the devil.

7. (2.) It is lawful to use an argument "cui potest subesse falsum," such which I know is not certain, but yet I actually believe it to be true. That is, though the argument be not demonstrative, but probable only, yet I may safely use it, if I believe myself to be on the right side of the probability: for a real truth and a supposed truth are all one as to the innocence of my purposes. And he that knows how little certainty there is in human discourses, and how "we know in part, and prophesy in part," and that of every thing whereof we know a little, we are ignorant in much more, must either be content with such proportions as the things will bear, or as himself can get, or else he must never seek to alter or to persuade any man to be of his opinion. For the greatest part of discourses that are in the whole world, is nothing but a heap of probable inducements, plausibilities, and witty entertainments: and the throng of notices is not unlike the accidents of a battle, in which every man tells a new tale, something that he saw, mingled with a great many things which he saw not: his eyes and his fear joining together equally in the instruction and the illusion, these make up the stories. And in the observation of things, there is infinitely more variety than in faces, and in the contingencies of the world. Let ten thousand men read the same books, and they shall all make several uses, draw several notes, and understand them to several effects and purposes. Knowledge is infinite, and out of this infinity every one snatches some things real, and some images of things; and there are so many cognoscitive faculties above and below, and powers ministering to knowledge, and all these have so many ways of being abused, or hindered, and of being imperfect; and the degrees of imperfection, positive, and privative, and negative, are also themselves absolutely so infinite, that to arrive at probabilities in most things is no small progression. But we must be content to make use of that, both for ourselves and others.

8. Upon this account we may quote scriptures to those senses which they can well serve in a question, and in which they are used by learned men, though we suppose the principal intention be of a different thing, so it be not contrary. For all learned men know, that in Scripture many sayings are full of potential significations, besides what are on the face of the words, or in the heart of the design: and therefore although we may not allege scriptures in a sense contrary to what we believe it meant; yet to any thing beside its first meaning, we may, if the analogy will bear it; and if by learned men it be so used, that is in effect, because for aught we know it may be so indeed.

9. (3.) If a man suppose his arguments sufficient and competent to persuade, though they be neither fitting to persuade, nor at all sufficient, he may yet lawfully use them. For in this case, though himself be deceived, yet because it is upon the strength of those arguments he relies, he can be tied to use no better than he hath: and since his conscience is heartily persuaded, though it be in error, yet that which follows that persuasion is innocent, (if it be not mingled with design,) though, it may be, that which went before was not so.

10. (4.) In the persuasion of a truth, it is lawful to use such arguments whose strength is wholly made prevailing by the weakness of him that is to be persuaded. Such as are arguments "ad hominem," that is, proportionable to the doctrines, customs, usages, belief, and credulity, of the man. The reasons are these:

1. Because ignorant persons are not capable of such arguments as may demonstrate the question; and he that goes about to draw a child to him, may pull him by the long sleeve of his coat, and need not to hire a yoke of oxen.

2. That which will demonstrate a truth to one person, possibly will never move another. Because our reason does not consist in a mathematical point: and the heart of reason, that vital and most sensible part, in which only it can be conquered fairly, is an

ambulatory essence, and not fixed; it wanders up and down like a floating island, or like that which we call the life-blood; and it is not often very easy to hit that white, by which only our reason is brought to perfect assent: and this needs no other proof but our daily experience, and common notices of things. That which at one time is not regarded, at another time is a prevailing motive; and I have observed that a discourse at one time hath been lightly regarded, or been only pleasing to the ear, which, a year or two after, hath made great impressions of piety upon the spirit of the hearers. And therefore, that I can answer the argument, it is not enough to make me think it necessary to lay it aside or to despise it; there may be something in him that hears me, that can make the argument to become perfect and effectual; and the want of that, it may be, in me, makes me apt to slight it. And besides that some pretended answers are illusions rather than solutions, it may be, that beyond my answer, a wiser man may make a reply, and confirm the argument so as I know not: and therefore if it be truth you persuade, it were altogether as good, and I am sure much more easy, to let the man you persuade, enter at the first and broadest gate of the true proposition, than after having passed through a great many turnings and labyrinths, at last come but to the same place where he might first have entered. There are some witty men that can answer any thing; but suppose they could not, yet it would be impossible that men should be tied in all cases to speak nothing but demonstrations.

3. Some men are to be wrought upon not by direct argument, but by artifices and back-blows; they are easy enough to believe the truth, if they could; and therefore you must, to persuade them, remove their prejudices and prepossessions; and to this purpose, it will not be necessary to bring those things which are proper to the question, but things accidental and extrinsical. They who were prejudiced at our blessed Saviour because he was of Galilee, needed no other argument to make them to believe in him, but to confute that foolish proverb, "Out of Galilee comes no good:" and yet he that from thence thinks the question of his being the Messias sufficiently concluded, is very far from understanding the effect and powers of argument.

4. The hinderances of belief are seated in several faculties, in our fancy, in our will, in our appetite: now in these cases there is no way to persuade, but by arguing so as to prevail with that faculty. If any man should say that our blessed Saviour is not yet come in the flesh, upon a foolish fancy that he believes not, that God would honour such a wicked nation with so great a glory, as that the Saviour of the world should be born of them; he needs no argument to persuade him to be a christian, but by having it proved to him, that it was not only likely, but really so, and necessary it should be so, not only for the verification of the prophecies of him, but for divers congruities in the nature and circumstances of things. Here the argument is to confute the fancy only, not the reason.

5. Sometimes the judgment is right, but the affections are perverse; and then, not demonstrations, but popular arguments, are not only lawful, but useful, and sufficient. For reasons of abstracted speculation move not the lower man. Make the people in love with your proposition, and cause them to hate the contrary, and you have done all that they are capable of. When some divines in Germany were forced for their own defence to gain the people to their party, they disputed against the absolute decree of reprobation, by telling them that their adversaries' doctrine did teach that God did drag the pretty children from their mothers' breasts, and throw many of them into the eternal portion of devils: this moved the women, who follow reason as far as they can be made in love with it, and their understanding is oftentimes more in their heart than in their head. And there are thousands of people, men and women, who believe upon no other account than this, neither can they be taught otherwise. When St. Paul would persuade the Jews to reason, and from laying violent hands upon him; he was not to attempt it by offering undeniably to prove that he did well by going to the gentiles, since God had rejected the Jews, excepting a remnant only: but he persuaded them by telling them he did nothing against the law of Moses and the temple.

6. There are some fondnesses, and strange adherences to trifles in most people, humours of the nation, love of the advantage of their families, relations to sects or dignities, natural sympathies and antipathies, in a correspondency to which, all those arguments which are dressed, are like to prevail, and cannot otherwise do it. For when a man's understanding is mingled with interest, his arguments must have something of this, or else they will never stir that: and therefore all our arguments cannot be freed from such allays.

7. In all the discourses of men, not only orators, but philosophers, and even in their severest discourses, all the good and all the wise men of the world heap together many arguments, who yet cannot suppose them all certain; but yet they therefore innocently use them, because, as there are several capacities of men to be dealt withal, so there are several notices of things; and that may be highly concluding, which, it may be, is not well represented, and therefore not fancied or observed by him that uses it; and to another it becomes effective because he does.

8. The Holy Spirit of God himself in his intercourses with men is pleased to descend to our capacities, and to use arguments taken from our own principles, and which prevail more by silencing us, rather than demonstrating the thing. Thus St. Paul in his arguments for the resurrection uses this; "If Christ be not risen, then is our preaching vain, and your faith is also vain."[c] There are some, even too many now-a-days, and many more then, who would have granted both the antecedent and the consequent; but because the Corinthians disavowed the consequent, they were forced to admit the antecedent. And at last, thousands of persons could

[c] 1 Cor. xv. 14.

never be drawn from their error, if we might not make use of arguments, weak like their capacities, and more proportionable to their understanding than to the question.

There are two cautions to be added to make the rule perfect:

1. That if the disciple, relying upon his master's authority more than his own ability to judge, ask the doctor, whether upon his knowledge and faith that argument does evict the question; if the doctor himself does not believe it, he must then put no more force upon it by his affirmation and authority, than he thinks it does in nature bear; but must give prudent accounts of the whole question in compliance to the present necessity of the demander.

Of the same consideration it is, when a question being disputed between two parties, the standers-by expect the truest and most proper account of things. In this case, all openness and ingenuity is to be used according to our own sense of things, not according to what may comply with any man's weakness; and the not doing so is want of ingenuity, and the worthiness of christian charity, and a perfect deceiving them who expect and desire such things as ought to be finally relied upon.

2. In all arguments which are to prevail by the weakness or advantages taken from the man, he that goes about to persuade, must not say any thing that he knows to be false; but he must comply and twist about the man's weakness, so as to be innocent all the way. Let him take him that is weak and wrap him in swaddling-clothes, but not encompass him with snakes: but yet this hath one loose and permission that may be used.

11. (3.) It is lawful for a man, in persuading another to a truth, to make use of a false proposition, which he that is to be persuaded, already doth believe: that is, a man may justly dispute upon the supposition, not upon the concession and granting of an error. Thus St. Paul disputed with the Corinthians, and to induce them into a belief of the resurrection, made use of a foolish custom among them in use, of being baptized for the dead. For the christian church hath but two sacraments, baptism and the Lord's supper; at the beginning some of the christians used baptism, and in succeeding ages, they used to celebrate the Lord's supper for the dead, and do to this day in the church of Rome. Upon this fond custom of theirs, St. Paul thus argues: "If there be no resurrection, then it is to no purpose that you are baptized for the dead; but that is to purpose, (as you suppose,) therefore there is a resurrection." Thus prayer for the dead, and invocation of saints, according to the principles taught in the primitive church, might have been made use of against each other. If all men are imperfect till the day of judgment, and till then enter not into heaven, then you cannot with confidence make prayers to them, who, for aught you know, need your help more: but if all that die well, that is, if all that die in the Lord, do instantly enjoy the beatifical vision, and so are in a condition to be prayed to, then they need not be prayed for. As for the middle place, they in those ages knew no such thing, as men have since dreamed of. As God in such cases makes use of a prepared wickedness, though he infers none, much less does he make any to be necessary and unavoidable; so may good men and wise make use of a prepared error, a falsehood already believed; but they must neither teach nor betray any one into it.

The objections mentioned in the state of this question, are already answered in the stating the propositions.

But now arises another question, and the solution will follow upon the same grounds.

12. Quest. Whether it be lawful, for a good end, for preachers to affright men with panic terrors, and to create fears that have no ground; as to tell them, if they be liars, their faces will be deformed; if they be perjured, the devil will haunt them in visible shapes; if they be sacrilegious, they shall have the leprosy; or any thing whereby weak and ignorant people can be most wrought upon?

I answer briefly:

13. There are terrors enough in the New Testament to affright any man from his sins, who can be wrought upon by fear: and if all that Moses and the prophets say, and all that Christ and his apostles published, be not sufficient, then nothing can be. For I am sure nothing can be a greater or more formidable evil than hell; and no terrors can bring greater affrightment, than those which are the proper portion of the damned. But the measures of the permission and liberty that can be used, are these:

14. (1.) A preacher or governor may affright those that are under him, and deter them from sin, by threatening them with any thing which probably may happen. So he may denounce a curse upon the estate of sacrilegious persons, robbers of churches, oppressors of priests, and widows, and orphans; and particularly, whatsoever the widow or orphan in the bitterness of their souls do pray, may happen upon such evil persons; or what the church in the instruments of donation have expressed: as, to die childless; to be afflicted with the gout; to have an ambulatory life, the fortune of a penny, since for that he forsakes God and his religion; a distracted mind or fancy, or any thing of this nature. For since the curses of this life and of the other are indefinitely threatened to all sinners, and some particularly to certain sins, as want is to the detainers of tithes, a wandering fortune to church-robbers;[d] it is not unreasonable, and therefore it is lawful, to make use of such particulars, as are most likely to be effective upon the consciences of sinners.

15. (2.) It is lawful to affright men with the threatening of any thing, that is possible to happen in the ordinary effects of Providence. For every sin is against an infinite God, and his anger is sometimes the greatest, and can produce what evil he please; and he uses to arm all his creatures against sinners, and sometimes strikes a stroke with his own hand, and creates a prodigy of example to perpetuate a fear upon men to all ages.

But this is to be admitted with these cautions:

[d] Malachi iii. 8, &c. Psal. lxxxiii. 13.

1. It must be done so as to be limited within those ways, which need not suppose a miracle to have them effected. Thus to threaten a sinner in England, that if he profanes the holy sacrament, a tiger shall meet him in the churchyard and tear him, is so improbable and unreasonable, that it is therefore not to be done, lest the authority, and the counsel, and the threatening, become ridiculous: but we have warrant to threaten him with diseases, and sharp sicknesses, and temporal death; and the warrant is derived from a precedent in Scripture, God's dealing with the Corinthian communicants.[e]

2. He who thus intends to dissuade, must in prudence be careful that he be not too decretory and determinate in the particular; but either wholly instance in general threatenings, or with exceptive and cautious terms in the particular; as, "Take heed lest such an evil happen;" or, "It is likely it may," and, "We have no security for a minute against it;" and, "So God hath done to others."

3. Let these be only threatenings, not prophecies, lest the whole dispensation become contemptible; and therefore let all such threatenings be understood with a provision, that if such things do not happen, the man hath not escaped God's anger, but is reserved for worse. God walketh upon the face of the waters, and his footsteps are not seen; but however, evil is the portion of the sinner.

16. (3.) In all those threatenings which are according to the analogy of the gospel, or the state of things and persons with which we have intercourse, we may take all that liberty that can by apt instruments concur to the work of God: dressing them with circumstances of terror and affrightment, and representing spiritual events by metaphors, apologues, and instances of nature. Thus our blessed Lord, expressing the torments of hell, signifies the greatness of them by such things which in nature are most terrible; as "brimstone and fire, the worm of conscience, weeping, and wailing, and gnashing of teeth." But this, I say, must ever be kept within the limits of analogy to what is revealed, and must not make excursions to extra-regular and ridiculous significations. Such as is the fancy of some divines in the Roman church, and particularly of Cornelius à Lapide,[f] that the souls of the damned shall be rolled up in bundles like a heap and involved circles of snakes, and in hell shall sink down like a stone into the bottomless pit, falling still downward for ever and ever. This is not well; but let the expressions be according to the proportions of what is revealed. The divines in several ages have taken great liberty in this affair, which I know no reason to reprove, if some of their tragical expressions did not, or were not apt to, pass into dogmatical affirmatives and opinions of reality in such inventions.

17. (4.) If any extra-regular example hath ever happened, that may be made use of to affright men from the same or the like sins, and so pass into a regular warning. Thus, though it but once happened, that God punished rebellion by causing the earth to open and swallow up the rebels against their prince and priest, Moses and Aaron, that is, it is but once recorded in Holy Scripture; yet God hath the same power now, and the same anger against rebellion; and as he can, so we are not sure that he will not, oftentimes do the same. Whatsoever hath happened and can happen, we ought to fear lest in the like cases it should happen. And therefore this is a proper instrument of a just fear, and apt rightly to minister to a sure and a right conscience.

18. (5.) If any prodigy of accident and judgment hath happened, though it be possible it may be done for the manifestation of the Divine glory, yet because it is ten thousand to one but it is because of sin too; this may be made use of to affright sinners, although there be no indication for what sin that judgment happened. Thus the ruin of the Greek monarchy finished upon the day of Pentecost: the fearful and prodigious swallowing up the cities of the Colossians and Laodiceans; the burning towns and villages by eruption of fire from mountains; the sudden cataracts of water breaking from the Indian hills; the sudden deaths and madness of many people; the horrible ruin and desolation of families and kingdoms, may be indifferently used and propounded to all sorts of persons, where there is need of such violent courses: and provided that they be charitably and prudently applied, may effect fear and caution in some sinners, who otherwise would be too ready for gaieties and unsafe liberties.

19. (6.) To children and fools, and all those whose understanding is but a little better, it hath been in all ages practised, that they be affrighted with mormoes and bugbears, that they may be cozened into good. But this is therefore permitted, because other things which are real, certain, or probable, cannot be understood or perceived by them: and therefore these things are not to be permitted, where it can well be otherwise. If it cannot, it is fit that their understandings should be conducted thither where they ought to go, and by such instruments as can be useful.

RULE VII.

A Conscience determined by the Counsel of wise Men, even against its own Inclinations, may be sure and right.

FOR in many cases the counsel of wise men is the best argument; and if the conscience was first inclined by a weaker, every change to a better is a degree of certainty. In this case, to persist in the first inclination of conscience, is obstinacy, not constancy: but on the other side, to change our first persuasion when it is well built, for the counsel of men of another persuasion, though wiser than ourselves, is levity, not humility. This rule is practicable only in such cases where the conscience observes the weakness of its first inducement, or justly suspects it, and hath not reason so much to suspect the sentence of wiser men. How it is further to be reduced to practice, is more properly to be considered in the third chapter, and thither I refer it.

[e] 1 Cor. xi. 30. [f] In Apocal.

RULE VIII.

He that sins against a right and sure Conscience, whatever the Instance be, commits a great Sin, but not a double one.

1. His sin is indeed the greater, because it is less excusable and more bold. For the more light there is in a regular understanding, the more malice there is in an irregular will. "If I had not come to them, (said Christ,[g]) they had not had sin; but now have they no cover for their sin:" that is, because they are sufficiently taught their duty. It is not an aggravation of sin, barely to say, "It was done against our conscience:" for all sins are so, either directly or indirectly, mediately or immediately, in the principle or in the emanation. But thus; the more sure and confident the conscience is, the sin receives the greater degree. It is an aggravation of it, that it was done against a clear light, and a full understanding, and a perfect, contrary determination.

2. But even then it does not make it to be a distinct sin. "Whatsoever is not of faith, is sin," said the apostle; but he did not say it was two. It is a transcendent passing upon every sinful action, that it is against a known law, and a contrary reason and persuasion; but if this could make the act to be doubly irregular,—by the same reason, every substance must be two, viz. by having a being, and a substantial being. And the proper reason of this is, because the conscience obliges and ties us by the band of the commandment, the same individual band, and no other. The conscience is therefore against the act, because the commandment is against it; the conscience being God's remembrancer, the record, and the register of the law. A thief does not sin against the law and the judge severally; neither does the magistrate punish him one way, and the law another. The conscience hath no law of its own, but the law of God is the rule of it. Therefore, where there is but one obligation to the duty, there can be but one deformity in the prevarication. But,

3. In sins where there is a double formality, there, indeed, in one action there may be two sins, because there is a double law: as he that kills his father, sins twice, he is impious and unjust; he breaks the laws of piety and justice; he sins against the fifth and the sixth commandments at once; he is a murderer, and he is ungrateful, and he is impious. But in sins of a single nature, there is but a single relation. For the conscience and the law is the rule and the parchment; and he that sins against the one, therefore also sins against the other, because they both terminate but one relation.

4. But although he does not commit two sins, yet he commits one great one,—there being nothing that can render an action culpable or imputable in the measures of justice, but its being a deviation from, or a contradiction to, the rule. It is against my conscience, that is, against my illuminated and instructed reason, therefore it is a sin: this is a demonstration, because it is against God, and against myself; against my reason, and his illumination; that is, against all bands, Divine and human.

5. Quest. But then what shall a judge do, who knows the witnesses in a criminal cause to have sworn falsely? The case is this: Conopus, a Spartan judge, walking abroad near the gardens of Onesicritus, espies him killing of his slave Asotus; who, to palliate the fact, himself accuses another of his servants, Orgilus, and compelled some to swear it as he affirmed. The process was made, advocates entertained by Onesicritus, and the poor Orgilus convict by testimony and legal proof. Conopus, the judge, knows the whole process to be injurious, but knows not what to do, because he remembers that he is bound to judge according to allegation and proof, and yet to do justice and judgment, which, in this case, is impossible. He therefore inquires for an expedient, or a peremptory resolution on either hand: since he offends against the laws of Sparta, the order of law, and his own life, if he acquits one who is legally convicted; and yet, if he condemns him whom he knows to be innocent, he sins against God and nature, and against his own conscience.

6. That a judge not only may, but is obliged to, proceed according to the process of law, and not to his own private conscience, is confidently affirmed by Aquinas, by his master, and by his scholars, and, of late, defended earnestly by Didacus Covaruvias, a learned man indeed and a great lawyer; and they do it upon this account:

7. (1.) For there is a double person or capacity in a judge; he is a private person, and hath special obligations and duties incumbent upon him in that capacity: and his conscience hath a proper information, and gives him laws, and hath no superior but God: and as he is such a one, he must proceed upon the notices and persuasions of his conscience, guided by its own measures. But as he is a judge, he is to do the office of a judge, and to receive information by witnesses and solemnities of law, and is not to bring his own private conscience to become the public measure. Not Attilius Regulus, but the consul, must give sentence: and since he is bound to receive his information from witnesses, as they prove, so the law presumes; whose minister because he is, if there be any fault, it is in the law, not in the judge; and in this case, the judge does not go against his conscience, because by oath he is bound to go according to law. He, indeed, goes against his private knowledge; but that does not give law to a judge, whose knowledge is to be guided by other instruments. (2.) And it is here as in a case of execution of sentences, which is another ministry of law. "Ordinarius tenetur obsequi delegato, etsi sciat sententiam illam injustam, exequi nihilominus tenetur eandem," said Innocentius III.[h] The executioner is not to refuse his office, though he know the judge to have condemned an innocent: for else

[g] John xv. 22.

[h] Cap. Pastoralis. sect. Quia Verò de Officio et Potestate Judicis Delegati.

he might be his judge's judge, and that not for himself alone, but also for the public interest. For if an executioner, upon his persuasion that the judge did proceed unjustly against the life of an innocent, shall refuse to put him to death, he judges the sentence of the judge over again, and declares publicly against it, and denies to the commonwealth the effect of his duty: so does a judge, if he acquits him whom the law condemns, upon the account of his private knowledge. (3.) It is like speaking oracles against public authority from a private spirit. (4.) Which thing, if it were permitted, the whole order and frame of judicatures would be altered, and a door opened for a private and an arbitrary proceeding: and the judge, if he were not just, might defame all witnesses, and acquit any criminal, and transfer the fault to an innocent and unsuspected, and so really do that which he pretends to avoid. (5.) And the case would be the same, if he were a man confident and opinionative. For he might seem to himself to be as sure of his own reason, as of his own sense; and his conscience might be as effectively determined by his argument as by his eyes; and then by the same reason he might think himself bound to judge against the sentence of the law, according to his own persuasion, as to judge against the forms of law, and proceedings of the court, according to his own sense. (6.) And therefore not only in civil but in the ecclesiastical courts we find it practised otherwise: and a priest may not refuse to communicate him, whom he knows to have been absolved upon a false allegation, and unworthily; but must administer sacraments to him according to the public voice, not to his own private notice: for it would be intolerable, if that which is just in public, should be rescinded by a private pretence, whether materially just or no; not only because there are other measures of the public and private, and that to have that overborne by this would destroy all government; but because if this private pretence be admitted, it may as well be falsely as truly pretended: and therefore, since real justice by this means cannot be secured, and that unless it were, nothing could make amends for the public disorder, it follows that the public order must be kept, and the private notice laid aside. (7.) For the judge lays aside the affections of a man, when he goes to the seat of judgment; and he lays aside his own reason, and submits to the reason of the law,—and his own will, relinquishing that to satisfy the law; and therefore he must bring nothing of a private man with him, but his own abilities fitted for the public. (8.) And let no man in this case pretend to zeal for truth and righteousness; for since in judicatures, legal or seeming truth is all that can be secured, and with this the laws are satisfied, we are sure we may proceed upon the testimony of concurring witnesses, because they do speak legal truth; and that being a proportionable conduct to legal persons, is a perfect rule for the conscience of a judge; according to the words of our blessed Saviour quoted out of Moses's law, "It is written in your law, the testimony of two men is true,"[i] that is, it is to be accepted as if it were true, and proceedings are to be accordingly. In pursuance and verification of this, are those words of St. Ambrose:[k] "Bonus judex nihil ex arbitrio suo facit, et domesticæ proposito voluntatis, sed juxta leges et jura pronunciat, scitis juris obtemperat, non indulget propriæ voluntati, nihil paratum et meditatum domo defert, sed sicut audit, ita judicat:" "A good judge does nothing of his will, or the purpose of his private choice, but pronounces according to laws and public right, he obeys the sanctions of the law, giving no way to his own will, he brings nothing from home prepared and deliberated, but as he hears so he judges." This testimony is of the more value, because St. Ambrose had been a judge and a ruler himself in civil affairs, and therefore spake according to the sense of those excellent laws, which almost all the civil world have since admitted. (9.) And the thing is confessed in the parallel cases: for a judge may not proceed upon the evidence of an instrument which he hath privately perused, if it be not produced in court, though he by that could be enabled to do justice to the oppressed party; for he does not know it as a judge, but as a private man; and though that be a distinction without a real difference of subject, yet in effect it means, that the laws do not permit a judge to take notice of any private information, which might prove an inlet to all manner of violence and robbery. (10.) And therefore if a priest hearing the confession of Caius, understands that Titius was the complice of Caius's crime, he may not refuse to absolve Titius, though he do not confess the fact in which he took part with Caius; because he is to proceed by the method of that court where he sits judge. For private and personal notice is not sufficient. (11.) And if I do privately know that my neighbour is excommunicate, I am not bound to refuse him my society, till I know it legally; and therefore much less may a judge do a public act, upon private notice, when we may not do even a private act referring to law without a public notice. (12.) And all this is confirmed by the authority of Ulpian:[l] "Veritas rerum erroribus gestarum non vitiatur, et ideo præses provinciæ id sequatur, quod convenit eum ex fide eorum quæ probabuntur:" "The truth of things is not prejudiced by errors in matters of fact: and therefore let the president of the province follow that which is fitting for him, proceeding by the faith of those things which shall be proved." (13.) For since no man must judge by his own private authority, he must not judge by his own private knowledge. (14.) And to what purpose shall he call in witnesses, to give him public information, if when they have done so, he by his private may reject the public?

8. But if after all this you inquire, "What shall become of the judge as a man, and what of his private conscience?" these men answer,—that the judge must use what ingenious and fair artifices he can to save the innocent, or to do justice according to truth, but yet so as he may not prevaricate the duty of a judge: he may use the prudence of a friend and a private man: let him, by various and witty

[i] John viii.

[k] In Psal. cxviii.

[l] L. Illicita, sect. Veritas.

interrogatories, in which he may be helped by the advantage of his private knowing the secret, make ways to entrap the false witnesses, as Daniel did to the two elders in the case of Susanna; or let him refer the cause to the supreme power, or resign his office, or make a deputation to another, or reprieve the injured man, or leave a private way for him to escape, or use his power of interpretation, or find some way to elude the unjust hand of justice, which in this case does him wrong by doing right. But if none of these ways, nor any other like them, can preserve the innocent man, or the judge's private conscience, he must do justice according to law, standing upright as a public person, but not stooping to particulars, or twisting himself by his private notices.

9. This is the sum of what is or can be said in this opinion; and though they speak probably and well, yet I answer otherwise, and I suppose, for reasons very considerable. Therefore,

To the question, I answer, that a judge in this case may not do any public act against his private conscience; he may not condemn an innocent whom he knows to be so, though he be proved criminal by false witnesses. And my reasons are these:

10. (1.) "Innocentum et justum non occides," said God;[m] To slay an innocent person is absolutely and indispensably evil. Upon which ground I argue; That which is in its own nature essentially and absolutely evil, may not be done for any good, for any pretence, for any necessity, nor by any command of man. Since therefore in the present case, the man is supposed innocent, he ought not to be delivered to death for any end in the world, nor by any authority, much less for the preservation of the forms of courts, or to prevent a possible evil that may accidentally and by abuse arise; especially since the question here is not matter of prudence or policy, but of justice and conscience; nor yet of the public interest, but of the judge's duty; nor at all, what the laws actually do constitute and appoint, but what the judge may really practise. Now, in all cases, if a man dies, it must be by the merit of the cause, or for some public end. The first is not supposed in this question, because the man is supposed innocent; and if the latter be pretended, it is an open profession of doing evil that good may come of it. And if it be answered, that this is true, if the man did appear to be innocent, but in law he appears otherwise; I reply, that it is true, to the law he does so, but not to the judge; and therefore, though the law can condemn him, yet she cannot do it by that judge. He must not do it, because it being by an unavoidable defect or error that the law may do it, and if the law could be rightly informed, she would not, she could not, do it, it follows that the judge who is rightly informed, can no more do it than the law itself, if she had the same information.

11. (2.) To judge according to forms and processes of law, is but of human positive right and constitution; for the law may command a judge to proceed according to his own knowledge, if she will trust him and his knowledge: and in all arbitrary courts it is so; and in the supreme power it is always so, if it be absolute. But not to condemn the innocent, is of Divine and eternal right, and therefore cannot be prejudiced by that which only is human. And indeed if we look into the nature and causes of things, we shall find, that the reason why judges are tied to forms and processes of laws, to testimonies and judicial proofs, is, because the judge is supposed not to know the matters brought before him, till they appear, in the forms of law. For if a judge did know men's hearts, and the secrets of things and causes,—supposing him to be honest, he were the fittest person in the world to be a judge, and can proceed summarily, and needs no witnesses. But this is the way of the Divine judgment, who proceeds upon his own knowledge, though for the declaration of his justice to men, he sometimes seems to use processes, and measures of human inquiry; as in the case of Sodom, and the like. And in proportion, if God should reveal to a judge the truth of every cause that lies before him, I think no man doubts, but he might safely proceed to judgment upon that account. This was the case of Daniel and Susanna. For she was convicted and proved guilty by concurrent witnesses; God revealed the truth to Daniel, and he arrested judgment upon that account. Upon examination of the witnesses he finds them disagree in the circumstances; but this was no legal conviction of their falsehood in the main; but it was therefore sufficient, because Daniel came in the manner of a prophet, and knew the truth from God, not by forms of law. Now it matters not, as to the justice of the proceeding, which way the truth be known; for the way of receiving it is but extrinsical to the main question: and as Daniel being made judge by God, might not have consented to the death of Susanna, though not only the two elders, but ten more, had sworn that they had seen Susanna sin; so neither can a judge, to whom God by some special act of providence in behalf of truth and innocence hath made known the matter, proceed to sentence against that knowledge, which he by Divine dispensation hath received.

12. (3.) If a king, or senate, or any supreme power, receive testimony of a matter of fact concerning any of their council, whom they know to be innocent; as if it be legally proved that Sempronius robbed a man, upon the kalends of March, a hundred miles from the place where the king or senate saw him sitting all that day; that they may not deliver him to death appears therefore, because they, being accountable to none but God, must judge by his measures, that is, so as to preserve the innocent, and not by those measures which men's necessity, and imperfection, and weaknesses, have made regularly necessary. But that which is regularly necessary, may irregularly and by accident in some cases be unjust, and in those the supreme power must make provisions where it can, and it can when it knows the truth of the particular. For since the legislative power can dispense in the ad-

[m] Exod. xiii. 7.

ministration of its own laws upon particular necessities, or charity upon the affirmation and petition of him that needs it: much more must it dispense with the forms of proceedings in a case of such necessity, and justice, and charity, and that upon their own knowledges. The affirmation of the argument is, that princes and senates may and must do this; that it is necessary, and therefore also just, in them to do so. The consequent of the argument is this: that therefore if private judges may not do so, it is because they have no authority to do so, but are compelled by their princes to proceed by forms: and, if this be all, it declares the necessity of such proceedings to be only upon man's authority; and so, though by law he may be bound to do so, yet our inquiry being what he is tied to do in conscience, the law cannot prevail above conscience, the subordinate above the superior,—there being, in this case, a knowledge of the fact, and the law of God for the right.

13. (4.) For the case is this; God says, "Thou shalt not slay the innocent," and the judge does certainly know, that the accused man is truly innocent: the conclusion is, Therefore this man must not die. Against this, the argument opposed is this: human authority says, Thou shalt slay him that is convicted of a fault, whether by true or false witnesses: here are witnesses which do convict him, and I know them to be false: the conclusion is, Therefore this man must die. Which of these two arguments ought to prevail, I think needs not much inquiry.

14. (5.) And what if Titius be accused for killing Regulus, whom the consul at that time hath living in his house, or hath lately sent abroad; would not all the world hoot at him, if he should deliver Titius to the tormentors for killing the man whom the judge knows to be at home, it may be dressing of his dinner, or abroad gathering his rents? But if this be so absurd, (as it is indeed extremely,) it follows that he may use his private knowledge against a false testimony that is public. Or how if he sees the fact done before him in the court? a purse cut, or a stone thrown at his brother-judge, as it happened at Ludlow not many years since? The judge proceeded to sentence upon intuition of the fact, and stayed not for the solemnities of law. Or put case that there be depositions offered on both sides, for and against the innocent, either directly or indirectly. If in this case the judge's private knowledge may determine for either, it follows that his private knowledge can be admitted as the instrument of justice; and if it may, it must; for nothing can hinder him to do it, but because he may not. But that he may, appears in the now alleged instances.

15. (6.) Adrianus puts another case, in which it is also without contradiction evident that private notice is to be preferred before public solemnity, where there is an error in this and none in that. The case I choose to express in this narrative. Viretta, a naughty woman, pretends to be wife to Coloro, an Italian gentleman, and brings a priest and witnesses whom she had suborned, to prove the marriage. The judge gives sentence for Viretta, and commands Coloro to pay the duties of a husband to her, and to use her as a wife. He knows the contrary, and that he is husband to Vittoria Morisini, and therefore pays her all his duty, and neglects the other; and he is bound to it, because no man's error or malice can alter the laws of God, and from paying that duty which he knows is due by the laws of God, he cannot be excused by any formal error arising in the administration of the laws of man. The same is the judge's case. For if the law commands him to do an act against a known private duty, he is so to follow the duty he knows he owes to God, in preserving the innocent, as Coloro is bound to preserve his duty to his wife, and the judge may no more commit murder than Coloro may commit adultery; but neither of them can be rescued but by their private conscience, therefore they may use that. And there is no escape in this instance, because the subject is as much bound to submit to the sentence of the law, as the judge is to the forms of it; and that which secures one, secures both.

16. (7.) The evils that may be consequent to the strict adherence to the forms and proofs of law against the judge's conscience, may be so great as to be intolerable, and much greater than can be supposed to be consequent to the following a certain unsolemn truth. And there is no man, but put the case so as himself and his party may be involved in ruin by false witness, and he will grant that himself is by all means to be preserved. Put case a whole order of the clergy, of monks, of lawyers, should be accused falsely and oppressed by evil men, as the knights templars were accused fiercely, and so were the religious in Henry VIII.'s time: if the king had known that the monks, and the pope had known that the templars had been innocent, no man ought to have persuaded them to condemn the guiltless. For if the king had proceeded against them to confiscation, making use of his advantage gotten by the sin of vile men, the effect had been, that he would rather have gotten money by a lie, than have done justice to the oppressed according to his conscience. And indeed, because it is not to be supposed but all the world would have given sentence for themselves in their own case, it is to be supposed that the contrary opinion is but the sentence of men in prosperity, or of inexperienced scholars, who care not what load they put upon others to verify their own opinion. And what christian will not condemn Pilate for condemning the most holy Jesus, according to the testimonies of his false accusers, and against his own conscience? And let the case be put, that the witnesses had agreed, and proved foul things against the unspotted Lamb of God, and made all clear in forms of law, and that Pilate had known the Lord to be innocent and injured, could the water in the basin have washed him clean, if he had, against his conscience, in compliance with the solemn perjuries, have condemned him who was purer than the angels? In this case the effect had been intolerable, for which no pretence of necessity, or legal formalities, could have made recompence.

17. (8.) A law founded upon presumption binds not in the court of conscience, when the presumption is found to be an error. The law presumes that the heir entering upon an estate, if he makes not an inventory, does it to conceal the goods, and defraud the creditors. But if an heir does so by negligence, or ignorance, or an impertinent fear, or upon ill counsel, or be betrayed to do so; if the creditor knows that the goods are not sufficient, he may not in conscience take the advantage the law gives him, but is bound to do charity and justice by the measures of his private knowledge, and not by the measures of the law to do violence and oppression, which was the thing in question.

18. (9.) To the verification of the sentence of death upon an accused person there are required, 1. A reality of the crime. 2. A power in the judge. 3. And equity in the law. Now if divers men should swear that the judge hath a competent power, nay, though they threaten him with death if he does not, yet he may not exercise any such power, which himself privately knows that he hath not. So also, if he knows the fact does not deserve death, though men swear it, or a higher power declare it, or another competent judge affirm it, yet a judge must not consent to it, if himself knows it to be unjust. And I have read of an excellent prince, who because he did consent to the forms and processes of law made by his senate against the bravest of his subjects, against his own conscience and knowledge, repented of it all the days of his life, and was not pardoned for it till the day of his death; and the first confidence he had of pardon, was upon the account of St. Paul's words, "He that is dead, is justified from sins." But then, since the defect of either of these two makes it unlawful for a judge to proceed according to the forms of law, and ties him to follow his conscience even against allegation and proof, much more must it be so, if there be no reality of fact in the accused party; because in the destitution of this, the laws themselves have no power, and therefore they can give none to a judge their minister. "Justis lex non est posita;" "The law was not made for the innocent," but to defend them, and therefore hath no power to destroy them; and then the judge can have none,—and so cannot in that case be tied to proceed according to formalities,—and therefore must proceed according to his conscience, or not at all. For,

19. (10.) If a law were made that a judge should be bound to condemn an innocent person, though he knows him to be so, and to be accused by calumny, and supplanted by perjury, it were an unjust law, as all men (that I know of) grant, and indeed must grant. For it were a law made to encourage perjurers and oppressors, to discourage innocence; a law made against the intention of laws, which is, to defend the right and punish the wrong-doer: it were a law disabling the judge to rescue the oppressed, and a law expressly disowning the cause of the afflicted: and if any judge should undertake his office upon such terms, he should openly profess that, if the case happened, he would do against his conscience. And all laws going the best way they can to find out truth, would never disable a judge to make use of it when he had found it out, and assisted the inquiry of the laws by a fortunate discovery. For the examining of witnesses being but a means to find out truth, cannot possibly be so adhered to, as to be preferred before the end to which it is designed; that were as if a man should rather love to seek than find. Since, therefore, no law ever was, or can be, so unreasonable as to decree that a judge shall not, in such a case, directly relieve the innocent, but proceed to his condemnation, it follows that he can have no obligation to do so, and then the obligation of his conscience can upon no pretence be declined. The law does not intend to oblige the judge in that case, because no law can be made expressly to do so; he, therefore, being free from the law in that case, stands bound to his private conscience, without excuse. Nay, the canon law expressly enjoins that a judge should give sentence according to his own conscience, as appears in "c. 1. de Re Judic. in 6. et in Clem. 1. sect. Verum de Hæret."

20. (11.) Suppose a judge should suborn false witnesses against an innocent; either he is bound not to proceed according to allegation and proof, but according to his secret conscience, or else he is bound to go on in his crime, and effect that which he had maliciously designed. For it is not enough that he is bound to disengage the witnesses and take off the subornation: for suppose the persons already appearing will not cease, lest they should be ashamed and ruined, but will take confidence from their crime, and perseverance from their publication, then there is no remedy for the innocent, neither can the judge rescue him from himself, nor give over sinning, unless he proceed by his private certain measures, and not by those which are false and public. For to say he may be sorry for his fault, and yet proceed in it, is to make him a hypocrite: if he confesses that he suborned the witnesses, and yet proceed to condemn the innocent, he is ridiculous, and makes the law put on the face of tyranny and unreasonable violence and oppression. So that either he must go on and sin to the end without remedy, or he must be admitted to proceed by his private conscience, and that in his case would be justice and penitence besides.

21. (12.) Lastly, all laws being intended for the good of the subjects, are bound not only to comply with their ordinary cases by ordinary provisions, but for their accidental needs by the extraordinary. And so we find it, that all laws yield in particulars, when the law is injurious in the special cases: and this is the ground of all chancery, because "summum jus, summa injuria;" and Solomon advised well, "Noli esse justus nimium," "Be not over righteous;" and the justice of God being ἐπιείκεια, gentleness and favour, equity and mercy, ours is best when we follow the best precedent: now since no case is more favourable than the present, the laws are unjust that will not bend and stoop to the miseries of the oppressed; and therefore the judge having no hinderance, he is tied by a double band to relieve the oppressed innocent, by his direct sentence, (where it can be admitted,) or by his open declara-

tion, and "quantum in se est," but at no hand to consent to his condemnation.

22. I conclude, therefore, with that rule of the canon[n] law, "Melius est scandalum nasci quam ut veritas deseratur;" "It is better that a scandal should be suffered, and an offence done to the forms and methods of judicial proceedings, than that truth should be betrayed and forsaken;" and what was said in the prophecy concerning our blessed Saviour, "Non secundum auditum aurium arguet," "He shall not reprove according as he hears," but according as he knows, is also true of judges in this case: they do judge most perfectly, when, in truth and in defence of the innocent, they follow the pattern of the Divine judgment, and not the imperfection of the human, that is, they are to judge by the eyes, not by the ears;

> Segnius irritant animos demissa per aures,
> Quam quæ sunt oculis commissa fidelibus——

That is a sure sentence that can rely upon ocular demonstration; for our eyes are a better guard of innocence than the tongues of sycophants, and our consciences are surer informers than the forms of law; and since no law hath declared against it, the conscience is at perfect liberty; and yet if it were not, we are certain it is better to obey God than men; the conscience is no man's servant, it is God's only. Conscience is God's angel: "Grieve not the angel, lest he smite thee; do nothing against him, lest he forsake thee."—"Viro bono fixum in omni vitâ est, transversum unguem à rectâ conscientiâ non discedere," said Cicero;[n] "Every good man is perfectly resolved not to depart from his right conscience a hair's breadth during his whole life."

23. And now to the pretences which are made on the other side, there will be the less need of a reply, if we consider that they only prove that a judge is tied to observe the forms of judicial process, and to proceed according to allegation and proof, ordinarily and regularly, as supposing that this is the best ordinary way of information, as it is most certainly. But as the law, using the best she hath, would not yet refuse a prophet from heaven, or a miracle to bring truth from her retirements, or her veil, so neither will she refuse any better way that can be offered; but whatever the law would do, yet the question now being concerning the judge, it is certain that the judge, in the case now put, hath a surer way of evidence: and therefore as the law, if she had a surer way of evidence, ought not to go against so clear a light, so neither can the judge. And the arguments, only proceeding upon the usual suppositions, conclude that regularly judges must do as usually they can do, that is, proceed according to proof, because they can have no better way, but they cannot be drawn to this extraregular and rare contingency. For though most men are brought in upon suspicion or private accusation, yet the apostle says that "some men's sins are manifest, going before unto judgment:" and when this happens, the judge must not go in inquest after what he sees. And the same arguments may as well be urged against all dispensations and remissions, against favour and chancery, and destroy all equity, and all religion, as to destroy all conscience when it is certain and infallible. But I shall say something to the particulars.

24. (1.) It is true that a judge hath a double capacity, and he hath offices proportionable; some as a man, some as a judge; that is, he hath some natural and essential obligations, some which are superinduced upon his office. And therefore, I refuse to use this distinction as it is commonly used, and so made more subject to mistake and abuse. In this case the judge is not to be considered as a public man and a private man; for private is as much superinduced as public, and his other relations are as much to yield to his essential duty, as that of a judge: such as are the relation of a husband, of a father, of a tutor, of a master; and, amongst these, the more private is often tied to yield to the more public. But therefore in this case the judge is to be considered as a judge and as a man; and in this case the duties are sometimes disparate, but never contrary; and when there is a dispute, the superinduced must yield to that which is original; for whatsoever is his duty as a man, the judge may not prevaricate; for it is the man that is the judge, in the man that office is subjected, and the office of a judge is bound upon him by the conscience of the man. If the judge had two consciences, and two real persons, then it were to be granted that they were to be served and attended to in their several callings; but it is not so: they are but two persons in fiction of law, but materially, and to all real events, the same: it is the same conscience ministering to divers duties: and therefore as the judge is always that man, so his conscience is the conscience of that man; and because as a man he must not go against his conscience,—so when that man is a judge, he must not go against the man's conscience, for the judge is still that man ruled by that conscience. The essential duty of a man cannot by any superinduced formality be dispensed with. Now to go according to our conscience and knowledge is the essential rule and duty of a man, which he cannot put off by being a judge. The new office superinduces new obligations, but none contrary, no more than he can cease being a man by being a judge. "Certe prior anima quàm litera, et prior sermo quàm liber, et prior sensus quàm stylus, et prior homo quàm philosophus et poeta;"[o] He is first a man, and then a philosopher, a poet, or a judge; and that which is first, cannot be prejudiced by what is superinduced. And if the judge go against the conscience of the man, pretending to do according to the conscience of the judge, the man shall be damned,—and where the judge shall then appear, any child can tell. If the bishop of Bayeux, as earl of Kent, will rebel against his prince, the earl of Kent shall lose his head, though the bishop of Bayeux may plead his clergy. For in this there is a great mistake. To be a man and to be a judge, are not to be compared as two distinct capacities of equal consideration. To be a bishop and to be a

[n] Cap. penult. de Reg. Jur.

[o] Tertul. lib. 2. de Testim. Animæ.

judge are properly such, and have distinct measures; but to be a man is the subject of the two capacities, and cannot be laid aside as either of the other may; and therefore the distinction is vain and sophistical: and if it could be admitted in metaphysics, (in which yet it appears to have an error,) yet it can never be suffered to pass to real events. This being the ground of all the contrary opinion, and being found false, the superstructure must also fall to the ground. To the special cases this I answer:

25. (2.) An executioner may not refuse to do his office, though the judge hath given an unjust sentence: it is true only when the matter is dubious, or not known, or intolerable. But if the judge commands the hangman to flay a prophet alive, or to crucify Christ, or to strike his king through with a sword, I doubt not but the adversaries themselves will think he is not obliged to obey.—Indeed this ought not easily to be drawn into a rule, lest such people turn it into a pretence.—But if the executioner be sure, and the matter be notorious, and such as cannot deceive him, his hand ought not to be upon an innocent. For as receivers are to thieves, so are executioners to unjust judges. When the fact is notorious, and the injustice evident, then it is such as all men can see it: and then, as if there were no receivers, there would be no thieves; so if there were no executioners of unjust sentences, the judge would be apt to reverse his sentence.

26. (3.) Now whereas it is pretended that if a private notice were admitted against public evidence, it were like a private spirit against a public article, and would open a way to every pretension, it would dissolve the forms of judicatures, and introduce many evils: I answer, that if all this were true, and that for this there could be no remedy, nor yet any recompence in the special cases, it would follow that the law were prudent, if it did refuse to admit such a proceeding, unless she had some reason to trust the judge: but this were nothing to the judge. For the law therefore refuses his testimony, because she hath that which she presumes is better, and because she, not knowing the secret, follows the best way she hath. But the judge knows the secret, and he is not deceived, and he does not make pretences, for the case supposes him to speak according to his conscience; and therefore, although the law in prudence does not believe him, yet he cannot but believe himself, and therefore in duty to God must proceed accordingly, or must not proceed at all.

27. (4.) Neither is this like a private spirit against a public article; because this conscience of the judge does not impose upon the public, who hath power to admit or to refuse his sentence; but it is only for himself: and although his conscience ought not to be the public measure, yet it ought to be his own. I do not doubt but the law may go against the judge's conscience, but the judge himself may not go against his own.

28. (5.) And this we see verified in the matter of a private evidence; for though the judge hath seen it in a chamber, yet he must not judge by it in the court, the law will not suffer him to do so: but yet for himself he may so far make use of it, as to be persuaded in his conscience, and to understand on which side the right stands, and to favour it in all the ways that are permitted him. But the case here being not matter of life and death, the law hath power to dispose of estates, and the conscience of the judge is not obliged to take more care of a man's money or land than himself does, but it can be obliged to take care of men's lives, when the injured person is not able. A man may give away his estate, but he may not give his life away; and therefore he may lose his estate by such ways, by which he ought not to be permitted to lose his life. Add to this, that a judge having seen an instrument in private which could much clear the cause depending, may not upon that account proceed to sentence, because, it may be, the adverse party can give an answer to it, and make it invalid; whereas in matters of fact, of which the judge is conscious, there is no uncertainty nor fallibility. And, lastly, the suffering party in the question of money or lands suffers no inconvenience, but what is outweighed to the public by the order of justice and solemnities of law; and the man that loses to-day for want of producing his evidence, may produce it to-morrow and recover it. But in matter of life and death, nothing can make recompence to the oppressed innocent; and if he suffers to-day, he cannot plead an error in the indictment to-morrow. For these and many other considerations the case is wholly different.

29. (6.) By some of these things we may also answer to the instance of a confident and opinionative judge. He may not prefer his private opinion before the sentence of the law, and bring it into open judgment. 1. Because he himself may be deceived in his opinion, and his confidence is no argument that he is not deceived. 2. Because if the sentence and decree of the law be less reasonable, yet the judge without sin may proceed to it, because the more reasonable is not in his choice, and the less reasonable is not absolutely and simply unjust. 3. In matters of prudence and civil government there is no demonstration of reason, but the legislative power may determine for the public interest as is presently apprehended, and may refuse the better counsel, and yet do well enough; for that which is simply the better, is not in these cases necessary; and in such things a man's reason ought not to be so confident, as he is of what he sees, or what is matter of faith; and therefore in these only he is to be guided by his own, in the other he must proceed by the public measures. And as in all things, not demonstratively certain or evident, the executioner is bound to obey the judge; so is the judge bound to obey the law; and the presumption will lie for the law against the judge, as it will lie for the judge against the officer. 4. And yet, after all, I do not doubt but if a judge's conscience were effectively determined against a law, and that he did believe it to be unjust and unlawful, he ought to follow his conscience. As if a judge did believe it to be a sin to put a man to death for stealing thirteen pence halfpenny, he might not condemn such a thief to the

gallows. And he is not excused by saying, "It is not the judge but the law that does amiss." For if the judge believe the law to be unjust, he makes himself a partner in the injustice by ministering to an unjust law against his conscience. For not only he that commands evil to be done is guilty, but he that obeys such a command. In this case, either the judge must lay aside his opinion or his office; for his conscience must not be laid aside.

30. (7.) The instance of a priest and an excommunicate person unworthily absolved will no way conclude this question. 1. Because the case is infinitely differing between condemning an innocent, and acquitting the guilty. If any man pretends he is satisfied in conscience that the accused person is criminal, though it cannot be legally proved, yet there is no wrong done, if the accused man be let free; an inconvenience there may be, but the judge must not be permitted to destroy by his private conscience, against or without legal conviction, because the evil may be intolerable if it be permitted, and the injustice may be frequent and insufferable; but if it be denied, there may sometimes happen an inconvenience by permitting a criminal to live, but there can be no injustice done. It may have excuse, and it may have reason, and it may have necessity, that a judge refuse to consent to the death of an innocent; but that he should against his conscience kill him, can have no warrant: and if he be not innocent, there may be reason to let him alone, but none to condemn if he be. Conscience can oblige a judge to an unsolemn absolution, but not to an illegal and unsolemn condemnation. This should have been considered in the earl of Strafford's case. The law hath power to forgive the criminal, but not to punish the guiltless. And therefore if a man be absolved when he deserved it not, we may suppose him pardoned, and the private priest is not his judge in that case. For to refuse to communicate him is an act of public judicature, and to absolve him is an act of the same power, and therefore must be dispensed by authority, not by usurpation, that is, by the public sentence, not by the private minister, since to give the holy communion to such a person is not against any essential duty of a christian. And therefore if the priest knows him unworthy to communicate, he may separate him so far as he hath power to separate him, that is, by the word of his proper ministry: let him admonish to abstain, represent his insufficiency, threaten him with the danger; but if he will despise all this, the private priest hath no more to do, but to pray and weep for him, and leave him to God and the church. But of this I am to speak more largely in its proper place.

31. (8.) As for the case of a priest hearing confessions, though he find Titius accused by Caius, yet if Titius does not accuse himself, Titius is rather to be believed in his own case than Caius in another man's. Because in this intercourse every man is so concerned to do his duty, that every man is to be believed for himself and against himself, because if he speaks false, himself only is the loser. 2. Caius accusing Titius may, for aught the confessor knows, tell a lie and abuse him, and therefore he cannot pretend knowledge and conscience against Titius; and so this comes not home to the present case, which supposes the judge to know the accused person to be innocent. 3. This argument supposes that a man cannot be absolved unless he enumerate all his sins to the priest; which being in many cases false, (as I have shown otherwhere,[p]) that which relies upon it can signify nothing.

32. (9.) Last of all, although the judge must lay aside his affections, and his will, and his opinion, when he sits upon the seat of judgment, because these are no good measures of judicature, nor ought to have immediate influence upon the sentence; yet he cannot lay aside his knowledge, and if he lay aside his conscience, he will make but an ill judge. 2. And yet the judge must lay his affections and his will aside never, but when they tempt him to injustice. For a judge must not cease to be merciful when it does not make him unjust; nor need he cease to please himself, so long as he is pleased to do right: these if they do hurt indeed must be left off, else not; and therefore it cannot with any colour from hence be pretended, that he must lay aside his knowledge, when it is the only way by which he can do good.

33. (10.) To the authority of St. Ambrose, what I have already said is a sufficient answer. For he speaks of a judge's office regularly and usually, not what he is to do in cases extraordinary, and such as is the present question. But he that said, "Sicut audit, ita judicat," would no less have said, "Sicut videt, ita judicat." The seeing of his eyes is as sure a measure as the hearing of his ears.

34. (11.) As for the words of Ulpian I will give no other answer, than that Panormitan and Covaruvias, who urge them and are concerned to make the most of them, do yet confess that they make as much against them as for them, and that they say true, will appear to any ordinary understanding that considers them.

(12.) For although no judge must do acts of a private authority, yet he may as well use his own private knowledge, as he may use the private knowledge of the witnesses; for their knowledge is as private as the judge's till it be brought into open court, and when his is brought thither it is as public as theirs; but however, to argue from the authority to the knowledge is a plain paralogism; for the prince who armed him with public authority, did not furnish him with a commission of knowledge, but supposed that to be induced by other ways.

(13.) And therefore the judge may, when he hath called witnesses, reject them upon his own certain knowledge, as well as use arts of discovery, or any other collateral ways to secure the innocent. For it may as well be inquired concerning the judge's using his knowledge to the infatuating or discovering the falsehood of the evil witnesses, as to the rejecting them. For if he must absolutely take all for granted which they say, then he must use no arts to invalidate their testimony; but if he may do that, he may do the other, and yet the calling in of witnesses may be to many good purposes,

[p] Unam Necessarium.

and by the collision of contraries light may arise, and from falsehood also truth may be produced like a fair child from a foul mother. And after all, though this question is not to be determined on either side by authorities, yet because amongst the writers of cases of conscience very many rely much upon the testimony of authors, I think it not amiss to say, that this sense of the question which I defend, was the sentence of many eminent divines and lawyers, particularly Nicolaus Lyra, Adrianus, Angelus, Navarre, Hostiensis, Calderinus, Panormitan, Martinus, Johannes Arboræus, Oldendorp, Corrasius, Lessius, Bresser, and divers others; and therefore besides the strength of the reasons, I walk the more confidently by having such good company.

35. To conclude: All those advices of prudence which are given by the adverse party in this affair, as expedients for the judges to proceed by in such cases, I am ready to admit, if they will secure their conscience and the life of the innocent oppressed. But if they will not, but that the judge must give sentence for law or for conscience, the case to me seems very clear. God is greater than our conscience, but our conscience is greater than any thing besides. "Fiat jus et pereat mundus," said St. Austin; "ad hæc, imagine ne naturæ veritas obumbretur, curandum." For images and forms of things, the natural and substantial truth of things may not be lost or prejudiced. Let justice be done whatsoever be the event.

"Accipere personam improbi non est bonum, ut pervertas justum in judicio:" "It is not good to receive the person of a wicked man, thereby to overthrow the righteous in his cause." [q]

RULE IX.

The Goodness of an Object is not made by Conscience, but is accepted, declared, and published by it, and made personally obligatory.

1. No object can have its denomination from the judgment of reason, save only that from thence it may be said to be understood to be good, to be declared, to be consented to: all which supposes the object to be good, or to be so apprehended. Just as an emerald is green before the eye perceives it so: and if the object were not in itself good, then the reason were deceived in consenting to it, and a deceiver in publishing it.

2. This is true in respect of the material, fundamental, and proper goodness of the object; for this it hath independently of the conscience: and the rectitude of the conscience is dependent on this, and consequent to the perception of it. But yet there is a formal, extrinsical, and relative goodness passed upon an object by the conscience, by whose persuasion although an evil object do not become naturally good, yet it becomes personally necessary; and in the same proportion a good object may become evil.

[q] Prov. xviii. 5.

3. The purpose of this is to remonstrate that we must rather look to the rule than to the present persuasion; first taking care that our conscience be truly informed, before it be suffered to pass a sentence; and it is not enough that our conscience tells us thus, unless God hath told the conscience. But yet if the conscience does declare it, it engages us, whether it be right or wrong. But this hath in it some variety.

4. (1.) The goodness of an act depends upon the goodness of an object, that is, upon its conformity to a rational nature and the commands of God. For all acts of will and understanding are of themselves indefinite and undetermined till the relation to an object be considered; but they become good or bad, when they choose or refuse that which is good or bad respectively. To will to do an act of theft is bad, because theft itself is so: to be willing to commit an act of adultery is evil, because all adultery is evil: and on the other side, to be willing to do an act of justice is therefore good, because justice itself is good. And therefore Aristotle defines justice by a habitude or relation to its object. It is "voluntas dandi suum cuique," "a will of giving to every one that which is their due." And therefore our conscience, because it is to receive its information from the rule by which every action is made good or bad, and its motion from the object, is bound to take in that only which is really and truly good, and without sin or error cannot do otherwise.

5. (2.) Although conscience is bound to proceed this way, yet sometimes the younger takes the elder brother by the heel, or gets out before him, and the act gets before the object by indirect means. For though all things should be thought good because they are good, yet some things are made good because they are thought so; and the conscience looking upon its object finds error dressed up in the shape of truth, and takes it in, and adopts it into the portion of truth. And though it can never be made really and naturally good, yet by being supposed so by the conscience, it is sometimes accepted so by God.

6. (3.) Although the rule by which good and bad are measured be in itself perfect, yet it is not always perfectly received by us. Good is proportionable to reason; and as there is "probabilitèr verum," so there is "probabilitèr bonum," "a probable good," as well as "a probable truth:" and in the inquest after this, we often show a trick of humanity, even to be pitifully deceived; and although when it is so, it is an allay of the good it intends, yet it does not wholly destroy it: God, in his goodness, accepting at our hands for good, what we really and innocently suppose to be so. Just like the country fellow that gave a handful of water to his prince; he thought it a fine thing, and so it was accepted. For when the action and the rule are to be made even, if either of them comply and stoop, the equality is made. God indeed requires the service of all our faculties, but calls for no exact measures of any but the will. For the acts of the will are perfect in their kind, but our understanding is imperfect, therefore this may find an excuse, but that never.

7. (4.) Upon this account it is, that though the goodness or badness of an act depends upon the quality of the object regularly and naturally, yet the acts become irregularly or accidentally good or bad by the conscience, because the conscience changes the object; that is, the act is good by the object really good, or so apprehended. The object always changes or constitutes the act, but the conscience changing the object immediately, hath a mediate influence upon the act also, and denominates it to be such as in the event it proves. But then in what degrees, and to what events, this change is made, is of more intricate consideration.

What Changes can be made in moral Actions by the Persuasion and Force of Conscience.

8. (1.) Whatsoever is absolutely and indispensably necessary to be done, and commanded by God expressly, cannot be changed by conscience into an evil, or into that which is unnecessary. Because in such cases where the rule is plain, easy, and fitted to the conscience, all ignorance is voluntary, and spoils the consequent act, but never can legitimate it. And the same reason is for things plainly and expressly forbidden, as adultery, murder, sacrilege, and the like; they can never become good by any act of conscience. And therefore in such cases it often happened, that God did declare his judgment to be contrary to the opinion which men had of themselves and of their actions. Sometimes men live contrary to their profession; "they profess" the worship of God, but deny him in their hearts,[r] even when they least think they do. Thus the Israelites having constrained Aaron[s] to make a golden calf, proclaimed a feast, "To-morrow is a feast unto Jehovah:" but God says of them, "they offered sacrifice to devils and not to God." And so it was with their children after them, who killed and persecuted the apostles and servants of Jesus, and thought they did God good service. He that falls down before an idol, and thinks to do honour to the Lord,—or robs a temple, and thinks it is for religion,—must stand or fall, not by his own fancy, but by sentence of God, and the rule of his law; "Protestatio contra factum," is invalid in law. To strike a man's eye out, and say he did it in sport, —to kill his brother, and think it is well done, because done to prevent his sin, though it may be thought charity by the man,—yet it is murder before God.

9. (2.) Where the rule is obscure, or the application full of variety, or the duty so intricate, that the conscience may inculpably err; there the object can be changed by conscience, and the acts adopted into a good or an evil portion by that influence. He that thinks it unlawful to give money to a poor Turk, hath made it to become unlawful to him, though of itself it seems to be a pious act. So also it is in the uncertain application of a certain proposition. It is certainly unlawful to commit adultery; but if Jacob supposes he lies with Rachel, and she prove to be Leah, his conscience hath not changed the rule, but it hath changed the object and the act; the object becomes his own by adoption, and the act is regular by the integrity of the will. This is that which is affirmed by the apostle, "I know and am persuaded in the Lord Jesus, that there is nothing unclean of itself, but he that thinketh it is unclean, to him it is unclean."[t] This instance is in a case in which they might easily be mistaken, and innocently abused, by reason of the prepossession of their minds by Moses's law, and therefore in such cases the conscience rules. They who believe themselves married, may mutually demand and pay their duty: but if they be not married, it is fornication or adultery, as it happens. But if conscience says they are married, it is not adultery, but an act of duty; because the same conscience that declares for the marriage, obliges also to pay their duty, as a matter of necessity. Wherever the understanding is wrong, and the will is wholly right, the action is accepted, and the error pardoned.

10. (3.) When the act is materially evil, the conscience adopting it into a good portion, that is, believing it to be good, does not make a perfect change, but leaves an allay in the several degrees of its persuasion. For it is impossible that a right conscience and a wrong should have no difference in the effect, especially if there be any thing criminal or faulty in the cause of the error. When two men take up arms in a different cause, as suppose one for his prince, and the other against him; though they be both heartily persuaded, and act according to conscience, yet they do not equally do well or ill. The one shall be accepted, and, it may be, the other pardoned, or excused in various degrees. But this which needs a pardon for one thing, is not, in the whole constitution of it, good for any thing, nor can it be accepted to reward.

11. (4.) If the conscience dictate a thing to be necessary, the thing is become necessary, and at no hand to be declined. This was it which St. Paul said, "He that is circumcised, is a debtor of the whole law,"[u] meaning, that though Christ had broken the yoke of Moses, yet if conscience did take up one end of it, and bound it upon itself, the other end would be dragged after it, and by the act of conscience become necessary. If a man inquires, whether he is bound to say his prayers kneeling, or whether he may do it standing, or lying, or leaning; if his conscience be persuaded that he must do it kneeling, it is necessary he should do so, and he may not do it in his bed; because the conscience is a lawgiver, and hath authority over the man, and ought to prevail, when the contrary part is only, that they may do otherwise. For whether this part be true or false, the matter is not so great, because there is no danger if a man do not make use of a liberty that is just: he can let it alone and do well enough: and therefore to follow the other part which is supposed necessary, must needs be his safest way.

But if the question be, whether it be necessary to keep a holy day, or necessary to let it alone;

[r] Tit. i. 16. [s] Deut. xxxii. 17.

[t] Rom. xiv. 14. Vide Chrysost. in hunc locum. St. Ambros. ib. et Theophyl. ib. [u] Gal. v. 3.

there if the conscience determine that for necessary to be done, which is necessary to be let alone, the man is indeed bound to follow his conscience, but he cannot escape a sin. For conscience makes no essential alterations in the thing, though it makes personal obligations to the man; and if it be an evil superstition to keep a holy day, it cannot be made lawful, because the conscience mistaking calls it necessary. And if this were otherwise, it were not a pin-matter what a man thought; for his thinking so becomes his law, and every man may do what is right in his own eyes. And therefore God was pleased expressly to declare it, that if a prophet did mislead the people, both he and they should perish; and our blessed Saviour signified the same thing in a parabolical expression, "If the blind lead the blind, they both fall into the ditch." But in this case there is a fault somewhere, and the man smarts under the tyranny, not the empire of his conscience; for conscience can have no proper authority against the law of God. In this case, that which the conscience falsely calls necessary, becomes so relatively and personally, (that is, he thinks so, and cannot innocently go in the right way, so long as his guide conducts him in the wrong, and yet cannot innocently follow his guide, because she does abuse him,) but in itself, or in the Divine acceptation, it only passes for a "bonum," something there is in it that is good, and that God may regard; there is a "præparatio animi," a willingness to obey.

12. (5.) If the conscience being mistaken in a question, whether an action be good or no, calls that good which is nothing but indifferent; the conscience alters it not, it is still but lawful; but neither necessary nor good, but relatively and collaterally: the person may be pitied and have a gift given him in acknowledgment, but the thing itself cannot expect it. When the lords of the Philistines, that they might deprecate the Divine judgments, offered to God golden mice and emerods, the thing itself was not at all agreeable to the way by which God chose to be worshipped: but their conscience told them it was good, it therefore became lawful to them, but not good in itself; and God, who is the Father of mankind, saw their heart, and that they meant it for good, and he was pleased to take it so. But the conscience, I say, cannot make it good. For to be good or bad is wholly another consideration than to be necessary or not necessary. This distinction is relative to persons, and therefore can be made by conscience in the sense above allowed. But good and bad is an abstract consideration, and relates to the materiality of the object, and is before the act of conscience, not after.

13. (6.) If the conscience being mistaken calls a thing lawful, which is not so in the rule or law of God, there the conscience neither makes an alteration in the thing, nor passes an obligation upon the person. Eleonora de Ferrante was married to a Spanish gentleman, who first used her ill, then left her worse. After some years she is courted by Andrea Philippi her countryman, to marry him. She inquires whether she may or no, and is told by some whom she ought not easily to have believed, that she may; and so she does. But being told, by her confessor, of her sin and shame, she pretends that she did it "bono animo," her conscience was persuaded she might do it, and therefore hopes to be excused or pardoned. He answers her, that her conscience could not make that lawful which God had forbidden, and therefore she ought not to pretend conscience; for though her conscience did say it was lawful, she was not bound to follow it; because though she must do nothing that is unlawful, yet she is not tied to do every thing that is lawful: and though her conscience can give her a law, yet it cannot give her a privilege. She is bound to do what her conscience says is necessary, though it be deceived: and if she does not, she sins against her conscience, which can never be permitted or excused. But if her conscience tells her only it is lawful so to do; if she does not do the thing which her conscience permits, she offends it not, because, though it allows, yet it does not command it. If therefore she does it, and there be an error in the conscience, the sin is as great as the error, great as the matter itself; as if the fact materially be adultery, it is also morally so, and the persuasion of the conscience does not excuse it from being such. The reason is plain; for since the conscience when she allows, does not command, if the person chooses that thing which materially is a sin, it is in pursuance of her own desires, not in obedience to her conscience. It is lust more than conscience. But yet whereas she says she hopes for pardon in this case, there is no question but she may. For she sinned as St. Paul did in persecuting the church; he did it "ignorantly," and so did she. Here only was the difference, he was nearer to pardon than she; because he thought he was bound to do so, and therefore could not resist his conscience so persuaded: she only thought she might do it, and therefore might have chosen. The conscience hath power in obligations and necessities, but not so much, nor so often, in permissions.

CHAPTER III.

OF THE CONFIDENT OR ERRONEOUS CONSCIENCE.

RULE I.

An erroneous Conscience commands us to do what we ought to omit; or to omit what we ought to do, or to do it otherwise than we should.

1. IN this there is no other difficulty but in the last clause. For when our blessed Lord had propounded an instance of perfection, he that not only obeys the counsel, but thinks it to be a commandment, and necessary to be done in all times and persons, enters into an error at the gate of zeal, and at the same place lets out the excellency of his love. Christ hath recommended renunciation of the world, spiritual castration for the kingdom of God, dying for our enemies, &c. He that in zeal, with charity and prudence, follows these advices, will find his reward swell high; but he whose zealous desire to grow towards perfection, shall so determine his practice, as that, by degrees, he shall think these counsels individually necessary, hath abused his conscience, laid a snare for others, put fetters upon christian liberty, and is passed into that state of doing it, that though he entered first by love, he is gone beyond it, and changed it into fear, and scruple, and superstition: he is at last got so far that he would not do it at all, if he durst do otherwise; and he dares not, because his love was zealous, and his zeal was imprudent, and his imprudence was a furious snare, and the passion of a mighty folly.

2. But an erroneous conscience is generally abused by two manners of proceeding. 1. By a true application of a false proposition, thus:

Whatsoever is done against my conscience is a sin:
But to allow of magistrates is against my conscience:
Therefore, it is certainly a sin that they be allowed.

The first proposition is not true, unless it be understood of him only, against whose conscience it is done, and then it is always true, either absolutely, or relatively, originally, or accidentally. But if it be intended to conclude, that because it is against my conscience to allow them, therefore it is simply unlawful, or unlawful to every one else, this is a paralogism, and makes an erring conscience. Or, secondly, the conscience is abused, and made erroneous by a false application of a true proposition.

Whatsoever is forbidden by God is a sin:
But every oath is forbidden by God:
Therefore, every oath is a sin.

Every thing here is true but the conclusion. The second proposition is true, but not universally. For St. James saying,[a] "Swear not at all," forbids all kinds of oaths materially: that is, in that sense in which any is forbidden, in the same all are forbidden. Without just authority and occasion, it is not lawful to swear by God; therefore, without such authority, neither is it lawful to swear by a creature. So that his words mean thus; except in such a case, "swear not at all,"—that is, not with any kind of oath; for unless that case occurs to warrant it, this or that oath is criminal as well as any: that is, it is no excuse in common talk to say, "it was but a slight oath;" for you must not swear at all, viz. in such circumstances.

[a] James v.

The Causes of Error are,

3. (1.) Ignorance, either of right or fact. For no other division of ignorance can concern the relation of an erring conscience. For, although a man is otherwise concerned in ignorance, if it be vincible, otherwise if it be invincible, yet his will is concerned in that directly, and his conscience but collaterally and indirectly.

4. (2.) Fear, whether it be pusillanimous or superstitious, that is, whether it begin upon religion, or upon natural imbecility, they alike abuse the conscience. Ignorance makes it erroneous, but takes not away its confidence, but oftentimes increases it: fear makes it erroneous too; and though it begins in doubting, it ends in a silly choice, which grows to as much confidence as it can, so much as to establish the error.

5. (3.) To this usually is reduced a morose humility and abjection of mind, which, because it looks pitifully and simply, some men in charity think it laudable; so Antoninus particularly; and it is the same that St. Gregory[b] recommends, "Bonarum quippe mentium est, ibi etiam aliquo modo culpas suas agnoscere, ubi culpa non est;" It is the sign of a good mind to accuse themselves of a fault when there is none."—Which, if it relates to the present affairs, is dangerous and illusive. For if the question be in a case of conscience, and the conscience be determined upon its proper grounds innocently and right, there to acknowledge a fault in the conscience or determination, is to make the rule itself crooked, to introduce eternal scruples and irresolution, to disturb our own peace, and a device to snatch at a reward by thrusting it from us, and to think to please God by telling of a lie. But if the saying relates to all the whole action in all its conjugation of circumstances and appendages, then it may consist with humility and prudence both, to suspect a fault where there is none; to fear lest we have erred by excess of degrees in passion, or by remiss-

[b] Part 1. decret. dist. 6. c. 4.

ness and slackness of action, or by obliquity of intention, or intertexture of some indecency, or weariness, or sensuality, or complacency, and fantastic deliciousness, or something secret, and we know not what: but even in this case, we may best follow St. Paul's expedient and manner of expression, "Nihil mihi conscius sum," "I am guilty of nothing," my heart smites me not, "Yet I am not hereby justified; for God is greater than my conscience:" I may, for aught I know, have done something amiss, or my duty not well; but as I cannot accuse myself, so neither can I acquit myself, but refer myself to God's equal and merciful sentence. What goes beyond this, may abuse the conscience, not only by a secret scruple, but by an evil principle and false conclusions: and this, although it looks like modesty, and seems contrary to confidence, and therefore cannot be so well reduced to this kind of conscience, but to the doubting, or the scrupulous; yet I have chosen to place it here for the reason above mentioned. It looks in at the door with a trembling eye, but being thrust in, it becomes bold. It is like a fire-stick, which, in the hand of a child being gently moved, gives a volatile and unfixed light, but being more strongly turned about by a swift circular motion, it becomes a constant wheel of fire: or like a bashful sinner sneaking to his lust, till he be discovered, and then he is impudent and hardened. And there are very many wise men, who tremble in their determinations,—and not being able clearly to resolve, fall upon one part by chance, or interest, or passion, and then they are forced for their peace' sake to put on an accidental hardness, and a voluntary, not a natural confidence. But this confidence is commonly peevish, impatient, and proud, hating all contradiction and contradictors; because it was only an art to sleep, and to avoid the first trouble, and therefore hates every thing that brings them forth from their fantastic securities.

6. Other causes of an erroneous conscience here usually are assigned, but inartificially I suppose, and not of present concernment or relation. Such as are the subtraction of the Divine aids, God's leaving a man, and giving him over εἰς νοῦν ἀδόκιμον, and to believe a lie; perplexity, or irresolution, self-love, pride, prejudice, and passion; "perit enim omne judicium, cum res transierit in affectum; quia affectus obscurat intellectum, ne rectè judicet," said Seneca. When affection sits judge, there reason and truth are seldom admitted to plead; or if they are, yet they cannot prevail.

Impedit ira animum, ne possit cernere verum.

But these are no otherwise causes of an erroneous conscience, but as they are causes of ignorance, or deception; for in this case I reckon them to be but one; an error being nothing else but an ignorance of truth, which whether it be culpable or inculpable, and at what gate it enters, is of another disquisition, and shall be reserved to its proper place.

RULE II.

An erroneous Conscience binds us to obedience, but not so as a right Conscience does.

1. The object can move the will no otherwise, than as it is propounded by the understanding. If it be propounded as evil, the will that chooses it under that formality, is criminal and malicious. If it be propounded as good, the will that rejects it so propounded, despises good; for it is so to the will, if it be so to the understanding, which is the judge and the immediate rule of all human actions. And he that does a good thing while he believes it to be evil, does choose the evil, and refuse the good; for he does therefore, because he believes it evil, or though he thinks it so, and therefore is equally disposed to choose a real evil; for that this is not so, is but extrinsical and accidental to his choice.

2. If this were not thus, but that it were possible to be otherwise, then we might suppose that a man might do a thing reasonably, for which he hath no reason; and a humane action without the natural process of humanity, that is, to choose by chance, and unnaturally, to choose for a reason that he hath not, and a good that appears not, which is like beholding of a thing that he sees not. The Jew thinks it is his duty to be circumcised, and to keep the sabbath. While in this error he is confident, by what argument can he be moved to omit it? If you give him reasons, you seek to cure his error, and to alter his persuasion; but while this persuasion is not altered, how can he be moved to omit it? If you give him no reasons, you desire him to omit it, because he thinks he ought not, and to do an action because it seems unreasonable, and follow your opinion because he believes it false; that is, to obey you because he ought not; which is a way not possible to prevail with a wise man, or with a fool; how it may work with any sort of madness, I know not.

3. But against this rule some contend earnestly, in particular Gulielmus Parisiensis, and some that follow him, saying "it is impossible that an erring or a lying conscience should oblige a man to follow it." The thing hath great influence upon our whole life, and therefore is worth a strict survey.

Quest. Whether a false and an abused conscience can oblige us to pursue the error?

That it cannot, these reasons are or may be pretended.

(1.) Because it seems to be absurd to say, that when the error itself is not a sin at all, or but a little one, that it can be a great sin to follow a man's own humour against that error; if a man should do according to his error, it could at most be but a small sin, and therefore, to go against it cannot be greater. For the error can oblige no higher than its own nature, as rivers cannot rise above their fountains.

4. (2.) But it is a more material consideration; if an erring conscience obliges us to follow it, then some men are bound to persecute the church, and the high

priests sinned not in crucifying Christ; and the zealots of the Jews did well in afflicting the apostles and disciples of Jesus, because they did it ignorantly, and by the dictate of an erring conscience; and St. Paul says of himself before his conversion, "I myself thought I ought to do many things against the name of the Lord Jesus;" and yet he sinned in following his erring conscience; and, therefore, certainly could not be bound to it. In pursuance of which,

5. (3.) St. Bernard[c] argues thus; to follow truth is always good; but if by the conscience we can be bound to follow error, and that in that case it is not good to follow truth; that is, if a good may become evil by the sentence of an erring conscience, and so great an evil as it supposes it to be,—then by the same reason that which is evil, may by the like sentence, become good, and so great a good as it is supposed; and then may a man be chaste for committing adultery, and charitable for committing murder, and religious for worshipping idols, and pious to his parents in denying to relieve them for the "Corban;" all which consequents being intolerable, the antecedent which infers them must needs be false.

6. (4.) It is true indeed, the conscience is our guide and our lawgiver, our judge and our rule; but it is not our Lord, nor in the present case is it an authentic record, but a ψευδεπίγραφον, a heap of lies and errors; and therefore cannot be a true guide, and we are not tied to follow any leader to hell. Better it is in this case to follow the conscience of a wiser and a better man than myself, it being more reasonable that we be tied to follow his right, than our own wrong conscience.

7. (5.) For if still we were bound to follow our abused conscience, then we were bound to impossibilities: for then either we were not at all bound to follow God, or if we were, and yet bound to follow our conscience against God, we were bound at the same time to do, and not to do the same thing; "to serve two masters;" which, our blessed Saviour said, "No man can do."

8. (6.) But, therefore, in this case God must be obeyed and not man; it being impious to say that the law of our conscience should derogate from, or wholly evacuate, the law of God, by which alone we ought to be governed. For if this law of conscience takes away the obligation of the Divine law, or if the Divine law takes away the obligation of conscience when it errs, then they must cease respectively; and the event will be this, that as long as God's law binds us, (which is for ever,) the law of an erring conscience cannot bind us.

9. (7.) And there are in this great proportions of reason. For if the will be bound to lay down all its rods and axes, all the ensigns of empire at the foot of the throne of God, doing or refusing by the command of God against its own inclination, it will not be imagined that the conscience, that is, the practical understanding, hath any such privilege indulged to it, that it can be exempt from the jurisdiction of God, or that it can oblige in defiance of his laws.

[c] Li. de præcept. et dispens.

10. (8.) For it is certain, conscience is God's creature, bound to its Lord and Maker by all the rights of duty and perfect subordination, and therefore cannot prejudice the right and power of its Lord; and no wise man obeys the orders of a magistrate against the express law of his king; or the orders of a captain against the command of his general; and therefore, neither of conscience which is God's messenger, against the purpose of the message with which God intrusted it. However, it is better to obey God than man; to follow the law of God than to go against it; to do that which we should, rather than that which we should not.

11. (9.) And there can be no more necessity upon us to follow our conscience teaching us, than our conscience binding us; and yet if a contract that is vicious be made, or an oath that is unlawful be uttered, the obligations of conscience cease, because they are against the law of God; and how then can conscience against this law of God in any sense pass an obligation? But this rather, that as we are bound not to commit a crime, so not to follow an error and a lie.

12. (10.) For it is impossible that our opinion, or falsely persuaded conscience, should make any alteration in the thing; if it was evil in itself, it is so still; and my thinking that mercury is not poison, nor hellebore purgative, cannot make an antidote and deletery against them, if I have upon that confidence taken them into my stomach; and the sun is bigger than the earth, though I foolishly think it no wider than a bushel. And, therefore, in such cases the conscience can have no power, and can bind us to nothing but to lay our error down. Because as to him that is in error, it were madness to bid him err more; so to him that hath an erring conscience, it were equally evil to bid him pursue, and actuate and consummate his error; which yet he were bound to do, if an erring conscience could bind him.

13. (11.) Lastly, if an erring conscience binds us to obedience, it either binds us by its own independent, ingenite power, or by a power derived from God. If by a power derived from God, then God commands us to believe a lie, to commit a sin, to run after false fires and illusions,—which to affirm, seems to be blasphemy; but if it binds us by its own power, then our conscience can make God's law to become unlawful to us, and we shall be stronger than God, and a man's self becomes his own rule; and he that is deceived by a false opinion, is a lawgiver to himself, and error shall be the measure of good and evil.

14. These are the arguments which are used by several persons respectively in verification of the opinion of Parisiensis, which I have not only heaped here together, but added some and improved the rest, that by the collision of these with their answers, the truth might be made more useful and evident; and divers collateral things incident to the main question might be spoken of; and those arguments remain valid which I brought for the affirmative in the first and second paragraphs of this rule. To the first therefore I answer:

15. (1.) That it is not the error that binds us to fol-

low it, but the conscience in error; and therefore, although the error can have no force greater than its own nature and proper energy, yet our conscience can bind beyond the force of error. As if a general commands a soldier to turn to the right hand under pain of death; if he mistaking turn to the left, the event is greater than can be effected by the intentional relations of right or left hand, but depends upon the reason, and the command, the power, and empire of the general.

16. (2.) To the second, I answer, that it follows not, because the erring conscience binds, therefore the obedience is not a sin. For such is or may be the infelicity of an abused conscience, that if it goes forward, it enters into folly; if it resists, it enters into madness; if it flies, it dashes its head against a wall, or falls from a rock; if it flies not, it is torn in pieces by a bear; and the very instances make it clear; the rulers of the Jews and St. Paul were both called to repent of that, which they did in obedience to their erring conscience,—which cannot legitimate impiety, but only make the one or the other instance to be unavoidable.

17. (3). To that which St. Bernard objects, the answer is easy upon another account; for conscience may make a good thing evil to it; because, besides the goodness of the object to make an action lawful, there is required the faith and persuasion of the agent; and if this be wanting, as it is in an erring conscience that believes not the goodness of it, the action is evil, by reason of the destitution of an integral part. For, "Bonum ex integrâ causâ, malum ex qualibet particulari;" and by the same reason, conscience cannot make an evil thing good, because, besides the persuasion of conscience, there is required the goodness of the object, which if it be wanting, one ingredient cannot make it good: all must enter into the constitution of good, though the want of one is enough to spoil it.

18. (4.) To the fourth I answer, that because the conscience is in error, and the principle within it is a ψευδεπίγραφον, "a false record," therefore it is true, that we are not absolutely tied to follow its conduct, but we are tied to lay the error aside, that we may follow it in straight ways; but in the present constitution of affairs it is miserable, and because we must follow our leader, that is, all that can go before us; we do go to hell, or to mischief, not that we are by God bound to do this, but only to do that; and it is by our own fault that we are bound to fall into an evil portion. God binds us to follow our conscience; we spoil it by some folly or other, and then we follow it: the evil appendage is our own, the law by which God bound us was holy. Nature requires of us to drink at our meals: but if we have corrupted all our beverage, we must drink unwholesome draughts, but yet nature did not bind us to this misfortune.

19. (5.) And therefore, the answer to the next objection provides us of a remedy against the former. We are bound absolutely to follow the law of God; but we are bound to follow the contrary law of conscience erring, conditionally and by accident, that is, because we have made our rule crooked, which God had made straight. For to be absolutely and irrespectively bound to follow God, and yet respectively and by accident to be bound to follow the contrary conscience, are not incompossibilities, or the parts of a contradiction, because they are not "ad idem," not "in the same regards." But then, since it is impossible that both these should be actually followed, therefore God does not command us to follow our conscience and not to follow it at the same time, but to follow our conscience, and to lay aside the error, and then both parts are reconciled; for God and the conscience are but accidentally opposed; and God commanding us to follow our conscience, took care that at the same time we should follow God too; and therefore God taught our conscience, but when we get other teachers, we make it impossible to obey God. Let us submit our conscience to God, that is, lay aside our error, and then God and conscience are not two masters, but one, that is, God; and conscience is his deputy and subordinate. And in order to this, it is not ill advised in the fourth objection, to follow the right conscience of a wiser man; to do so, is a good expedient for the laying down our error; but it is not directly obligatory, so long as the error is confident; for I must not follow a wiser man in his right, if I believe him to be in the wrong; and if I believe him to be in the right, and he really be so, then I have laid aside my error, and indeed to do this is our duty; but this cannot be done till the error be discovered: till then I must follow my own conscience, not the conscience of another man.

20. (6.) To the sixth, I answer, that the law of conscience cannot derogate from the law of God, when they are placed in the eye of reason over against each other; that is, when the conscience sees the law of God, no law, no persuasion, no humour, no opinion, can derogate from it. But an erring confident conscience believes that it follows God when it does not, so that the law of God hath here a double effect. The law of God, apprehended by the conscience, binds him to action; but the law of God, real and proper, binds the man to lay aside his error. For he that goes against the matter and the instance of the law of God, does yet at the same time obey the sanction and authority, because he proceeds to action in obedience to, and in reverence of, the law of God. The wife of Amphitryon was kind to her lord, when she entertained Jupiter in his semblance; and, for Sosia's sake, Mercury was made much of: and because the error is dressed like truth, for truth's sake we hug and entertain the error. So here. The law of God is not despised, much less evacuated, by following the dictate of conscience, because it is for the sake of God's law that this conscience is followed; and therefore, since by accident they are made opposite, the event of it cannot be that one must cease,—for both may and must stand, but nothing must cease but the error.

21. (7.) And therefore, although the will must cease from its own pleasure, when God's will is known to be clear against it, yet the understanding must not cease from that which it supposes to be the will of God till the error be discovered; but when it is, then

it must as much cease from its own ways as the will must; for every understanding, as well as every proud will, must be submitted to the obedience of Jesus.

22. (8.) For conscience being God's creature, and his subordinate, cannot possibly prejudice the rights of God; for as soon as God's right appears, and his laws are read, conscience doth and must obey; but this hinders not but that conscience must be heard when she pretends the law of God for her warrant, so long as it is not known but that she says true.

23. (9.) For it is in this as it is in contracts and oaths,—so long as they seem lawful they must be observed, and must not be rescinded until it be discovered that they are against the law of God; and so it is with the dictates of an erring conscience.

24. (10.) And the reason is plain, because conscience does not make a real change in extreme objects (as I have formerly discoursed);[d] the things are good or bad by their proportions to God's law, and remain so, whatever the conscience thinks: but yet they put on vizors and shapes, and introduce accidental obligations by error. Indeed, the error brings in no direct obligation but that it be discovered and laid down: but so neither can it hinder but that conscience shall still retain the power that God hath given it, directly and principally; that is, that it be the man's rule and guide; for the fallacy that runs through all the objections, is this,—that the erring conscience is in its obligation considered as erring. Now it does not bind, as erring, but as conscience; that is, not by its error, but by its nature, and the power of God, as being the reporter and record of his commands. Against which, he that bids our conscience to proceed, indeed gives ill counsel. He that counsels a man to follow his erring conscience, invites him to folly; he tells him he is in error, and bids him not lay it down. But he that advises him to follow his conscience, though it happens in the truth of things that his conscience be in error, meddles not at all in the countenancing the error, but in the power of conscience.

25. (11.) For all the obligation which our conscience passes on us, is derivative from God, and God commands us to follow our conscience, but yet he commands us not to sin; because his commanding us to follow our conscience supposes our conscience instructed by the Word of God and right reason, and God had appointed sufficient means it should be: but that conscience offers a sin to the obedience, is wholly the man's fault, and besides the intention of God. God hath not made us to sin, but hath committed us to the conduct of conscience, which, by prevaricating its instructions, hath betrayed us.

26. By this it appears what manner of obligation is passed upon us by an erring conscience; the conscience always hath the same commission as being the same faculty, the same guide: but because itself is bound to the laws of God and right reason, so far as it follows them, so far it binds. But because when it is in error, it also pretends them, by them it still binds, till the illusion be discovered. Durandus expressed this by a distinction of words, in which himself only made the difference. "Ligat, sed non obligat:" so he. That is, it hath not the same power that is in a right conscience. But it binds us so, that we cannot proceed to good. A right conscience directly and finally binds us to the action itself: an erring conscience cannot do that, because the action it offers is criminal, but it makes us take that instead of what it ought to bind us to; that is, it hath the same authority, but an evil exercise of it; the formal obligation is the same, but when it comes to be instanced, it binds us to that in which it hath no power. For though it hath power over us, yet it hath no direct power in that particular matter.

27. Cordubensis and Vasquez contradict this expression of Durandus, affirming that an erring conscience does "ligare et obligare;" I cannot well translate the words into a distinction, but their meaning is this, that "we are not bound positively to follow the error, but yet so that we must not do the contrary." Which, indeed, is the same thing; and they going to reprove Durandus's distinction, that hath no difference, they do it by a contradiction that hath in it no opposition. For to say that an erring conscience does so bind us that we must not contradict it, is to say that it positively binds us to follow it. For if it commands us to follow it, and we must not go against that command, is it not notorious and evident that we must positively follow it? But for the establishing the measures of obedience in the present case, these following rules are the best proportions.

The Measures of Obedience due to an erring Conscience.

28. (1.) If an erring conscience commands a thing that is of itself indifferent, we are bound to follow it, and we may do it without sin. Because, if it be indifferent, it is therefore lawful, and it cannot cease in itself to be lawful, by being supposed to be necessary. Indeed, if a governor commands us to do a thing indifferent, and says it is necessary, we may not do it under that compliance; that is, we may not betray our christian liberty, and accept that as simply necessary which Christ hath left under liberty. We must do the thing, but not own the necessity. But if an erring conscience bid us do an indifferent, and represent it as a necessary action, though it may be a sin to believe it necessary, yet it is no sin to do the action; for nothing that supervenes can alter the nature of the thing, and a new personal necessity introduced by an erring conscience, by making it seem necessary to him, changes it not from being lawful in itself. But then it infers this also, that as it may be done without sin, so without a sin it cannot be left undone: because the error hath made it personally necessary, and the truth of God hath made it lawful really.

29. (2.) If an erring conscience dictate a thing to be good which is not good,—not to follow that dictate, and not to do that thing, is no sin; because every good is not necessary, and it may be good, or seem so; and yet to omit it in certain circumstances, may be equally good or better.

30. (3.) If an erring conscience affirm that which

[d] Ch. 2. Rule 9.

is good, or which is indifferent, to be evil and vicious; as if it says, it is a sin to spit upon the pavement of a church, or that it is superstition to serve the poor in an hospital, it is no sin to omit that indifferent or that commendable action; because here is no command of God to countermand the resolution of conscience, and therefore the error may become a snare and a hinderance, but no direct cause of sin; because such actions in themselves not being necessary, it cannot be criminal upon a less reason to omit them. But upon the same account it is a sin to do them, because they are not of faith, and the conscience being persuaded against them, they are sins. For any deficiency of a necessary ingredient makes a sin.

31. (4.) If an erring conscience say that "such an action is lawful only, when of itself it is good and laudable," we sin not if we do it, or if we do it not. For in this case, neither is there any direct obligation from God, nor any indirect obligation from conscience, and therefore the man is wholly permitted to his liberty: although it may be a pious action to pray kneeling on the ground with bare knees, or prostrate on our faces, yet if conscience says it is in no sense laudable, but that it is lawful only, we may safely do it; but then there is no other effect of such an action, than there is of scratching a man's head with one finger: and it cannot be commendable in him to do an action, in which he believes there is no worthiness.

32. (5.) If an erring conscience commands what is simply evil, or forbids to do that which is absolutely commanded, the man sins, whether he obeys or obeys not. In one case he sins against his rule, and in the other against his guide, and any one miscarriage is enough to introduce a sin. But this will be the matter of the next rule. The use of these rules is not at all effective upon erring consciences, while the error remains: for the advices supposing the error are not applicable to them, who will not suppose themselves in error. But they are applicable to consciences recovered from their error, and are useful in the conduct of their repentance, because they describe the respective measure of sin and innocence, and what obligations of sorrow and amends are left behind when the error is gone.

To these may be added those rules which I have already given,* concerning the changes which can be made in moral actions, by the persuasion and force of conscience.

RULE III.

A Conscience erring vincibly or culpably is an unavoidable Cause of Sin, whether it be resisted or complied with.

1. When the error proceeds of malice or negligence, the man is guilty according to the venom of the ingredient: there is a sin in the principle, and this leads to an action materially evil. He that makes assemblies against his prelate, and thinks he may lawfully do it, does an action for which, by the laws, he is punishable; but to God he is to answer besides the action, for the sin that led him to that error.

2. Quest. But if it be inquired, whether that also be a sin which is an obedience to his conscience, that is, whether the instance of the action be a sin, beside the malice of the principle, and so every such action become a double sin,—I answer, that it is according as the instance is.

3. (1.) If it be against a prime principle, in which we are naturally, or any way greatly instructed, then the error is culpable in that manner that it remains voluntary all the way; and then not only the introduction or first principle, but the effect also is a sin. The man hath only put a blind before his eyes, and in every reflex action it is discovered, and he knows it habitually all the way. And therefore, in this case, the conscience ought not to be obeyed.[f] For the conscience is but imperfect and equivocal, violent and artificial. It is persuaded in the act, and convinced of the evil in the habit or reflex act, and is no otherwise deceived than a man is blind that wears a hood upon his eye.

4. (2.) If the conscience be possessed with a damnable error, and in a great matter, and this possession is a dereliction and a punishment from God for other crimes,—it is no matter whether we call the consequent action a sin or no; for the man is in a state of reprobation, and the whole order of things and actions in that state are criminal, formally or equivalently. His prayers are abomination; and if so, then the actions that are materially evil, are much worse, and in estimation are prosecutions of the state of sin. Of this sort are they that are given over to believe a lie; all the consequent actions are sins, just as the envies and blasphemies of damned people are sins, or as the acts of devils are imputed: they are consigned to death, and all the consequent actions are symbolical; and it will be always so, unless they can return to a state of repentance.

5. (3.) If the conscience be abused in a deduction, consequence, or less certain proposition, by evil arts and prejudice, by interest and partiality, there is so much evil in the whole determination, as there was in the introducing cause of the error, and no more. For if the action consequent to the persuasion were also a sin, then it ought not to be done; but because in this case the conscience ought to be obeyed, though in the whole affair there is a sin, and it is unavoidable,—yet the sin is antecedent to the action and determination, but no proper appendage or qualification of it. And since the object in the present case transmits honesty and equity into the action, not according to what it is in the thing, but according to what it is in reason, it must needs be that we are obliged according to what we find it to be in conscience. For in this case we know not what it is in itself, and therefore by it we cannot be guided to choose or to refuse; but because we must be guided by something, it must be wholly by opinion and conscience.

6. (4.) If the conscience be weakly and innocently

* Ch. 2. Rule 9.

[f] Castropal. tom. 1. dis. 1. punct. 6. n. 3.

misguided, there is no sin either in the error, or in the consequent action. Because no man is bound to do better than his best; and if he hath no sin in the principle of his error, it is certain he did his best, that is, he did all his duty; and then to proceed by the best light he hath, is agreeable to right reason and to religion.

7. Upon the ground of these conclusions we may easily infer, that though an erring conscience is to be followed, (as it is above explained,) and yet that God also is entirely to be followed, and that therefore a man, by accident and by his own fault, may be entangled "in nervis testiculorum leviathan," (as St. Gregory's expression is, out of Job,) in the infoldings of sin and Satan, and cannot escape innocently so long as he remains in that condition; yet, because he need not remain in that condition, but either by suspecting himself, or being admonished by another, by inquiry and by prayer he may lay his error down,—it follows, that to obey God never hath an unavoidable dilemma, and never is impossible, so long as the man is in a state and possibility of repentance. Because every error that infers an action, that is formally as well as materially sinful, not only ought, but may also be deposed or laid down; because, in such cases, no man is invincibly abused. No man can ever be in that condition, that to love God shall become a sin to him; because no man can really be ignorant, or properly entertain this opinion, that it is a sin to love God; that rebellion is lawful; that adultery is no sin; that it can be lawful to strike a prince for justice, or to break a commandment to preserve the interest of a sect; that a man may rob God in zeal against idolatry and images. These things are so plainly taught, that an error in these cannot choose but be malicious.

8. But when the error is in such cases where either it is invincible and irremediable, or where weakness pleads excuse, the action is in that degree innocent in which the error is unavoidable; and if it could be otherwise, then a case might happen, in which, by the laws of God, a man could be bound to that which is intrinsically evil,—and then God, and not man, were the author of the sin.

9. The sum is this. God is supreme, and conscience is his vicegerent and subordinate. Now it is certain, that the law of an inferior cannot bind against the command of a superior when it is known. But when the superior communicates the notices of his will by that inferior, and no otherwise, the subject is to obey that inferior, and in so doing he obeys both. But the vicegerent is to answer for the misinformation, and the conscience for its error, according to the degree of its being culpable.

RULE IV.

It is a greater Sin to do a good Action against our Conscience, than to do an evil Action in obedience to it.

1. THIS rule concerns degrees only, but is useful in the conducting some actions of repentance; and it is to be understood to be true only in equal cases, and when there is no circumstance aggravating one part. Friar Clement, the Jacobin, thinks erroneously, that it is lawful to kill his king; the poor demoiselle Faucette thinks it unlawful to spit in the church: but it happened that, one day, she did it against her conscience; and the friar, with his conscience and a long knife, killed the king. If the question be here, who sinned most? the disparity is next to infinite; and the poor woman was to be chidden for doing against her conscience, and the other to be hanged for doing according to his. Because the friar's error could not be invincible and inculpable, her's might; and in such questions, the effect of which is of so high concernment, because the errors in them are supreme and dangerous, the inquisition ought to be very great where there can be difficulty, and therefore the negligence is always intolerable, and it is malicious where the discovery is easy, as it is in these cases. And therefore, in so different materials, the case can no way be equal; because in one there is a greater light, a more ready grace, a perfect instruction, an evident provision, an open restraint, and a ready commandment.

2. But when the effect of the questions is equal, and not differenced by accidents, the rule is certain upon this reason; because a sin done against knowledge is greater than a sin done ignorantly. He that sins against his conscience, sins against all his knowledge in that particular: but if he sins against a commandment which he knows not to be such, he sins ignorantly, and therefore the more excusably. "But I found mercy," saith St. Paul, "for I did it ignorantly, in unbelief."

3. Upon this account, it comes to be the same kind, and the same degree of crime, to sin against an erring, and to sin against a right conscience in the same instances. He that omits to hear Divine service on a festival, when he hath no reasonable impediment, and he who omits it upon a common day, which he erroneously supposes to be a festival, hath equally prevaricated the law of the church, and the analogy of the commandment of God on which this of the church is founded, they being equally against his rule by which he is to walk: and this error hath no influence upon the will or choice, but is wholly extrinsical to it. But this is to be understood in errors of fact, and such as are inculpable, and have no effect, and make no change in the will.

4. And, therefore, in our penitential sorrows and expiations, we need not be curious to make a difference of them which have the same formal malice; and if we be taught to make any, it may have this evil consequence in it, that we may love our ignorance, and flatter ourselves in our irregularities, which we think will not be so severely imputed, by reason of the error. If this be a great crime to disobey our conscience, teaching us righteous and true propositions, it is on the other side also very great to suffer our conscience to be so misled, that a good action shall become criminal by such mistaking; so that, besides the departing from our rule, which is equal in both, they have their own superadded evil to weigh against each other.

RULE V.

It is not lawful to delight in an evil Action, (after the Discovery of our Error,) which we did innocently in an erroneous Conscience.

1. The case is this:—Quintus Hortensius[g] received a forged will of Minucius from some hæredipetæ or testamentary cheaters; and because they offered to verify it, and to give him a share, he defended the forgery and possessed his part; but when he afterwards perceived the cheat, and yet detained the purchase, he grew infamous: it was innocent till he knew it, but then it was criminal. He should not have pleased himself in it, because he should have restored it. But in this there is no question.

2. But when the possession or purchase may lawfully remain, there is some difference in the decision of the question. Spurinna, striking a stag, involuntarily and unwittingly kills his brother, and becomes rich by the inheritance. Here the man must separate the effect from its relation, and so proceed: the inheritance was a blessing, the accident was a misfortune; and if he may not rejoice in that, he may not give thanks for it, but as for a cross. But if he pleases himself in the way of his entrance to it, he had a mind ready to have killed his brother if he durst, or at least did secretly wish him dead, that he might openly have his living. In this there is no great difficulty to make the separation. God strikes a man with blindness, and gives him a good memory; he sighs for that, and rejoices for this. A little metaphysics makes this abstraction.

3. (2.) But concerning the act, when it is discovered to have been evil, he is to have no other complacency, but because he did it ignorantly. He that suffers nocturnal pollution, if he finds a remedy by it, is to rejoice that himself suffered it involuntarily, that is, he may rejoice that he did not sin; and of the innocence of the joy he can have no other testimony but by his hating the act in all cases in which it is a sin, and refusing to do it. But the French woman, whom my Lord Montaigne speaks of, who having suffered a rape by divers soldiers, gave God thanks, that, without sin, she had enjoyed pleasure, had a criminal joy, and delighted in the action, for the voluntary entertainment of which she only wanted an excuse.

4. (3.) If we consider the whole conjunction of things together, the evil act with the advantageous effect, we are to be indifferent to joy and sorrow, that is, to do neither directly, but to look on it as an effect of the Divine providence bringing good out of evil, and to fear lest a joy in the whole should entitle us too nearly to the sin by the relation of an after-act and approbation; or lest we be so greedy of the effect, that we be too ready to entertain the like upon terms equally evil, but less fortunate.

5. (4.) This is also to be understood only in such cases in which we are not obliged to restitution; for if we rejoice in that effect which we ought to destroy, we recall the sin from the transient action, and make it dwell with the possession, and then the first involuntary error becomes a chosen rapine.

6. (5.) If the action was only materially, and therefore innocently, an error against a human law, and turns to our secular advantage, we are more at liberty to rejoice and please ourselves in the advantage; because human laws make no action intrinsically and essentially evil, but only relatively and extrinsically. And therefore the danger is not so great of polluting the conscience by the contract and mingling of the affections with the forbidden action. He that eats flesh in Lent in those places and circumstances where it is forbidden, and did not remember it was Lent, or did not know it, and by so doing refreshes himself well, and does advantage to his health—may not be accused easily, if he delights in the whole action, as it joins the error and the advantage. For, besides the former reason, this also is considerable; that human laws, not being so wise and excellent as Divine laws, do bend more easily and readily, that they may comply with the ends of charity and gentleness, and have in them a more apt dispensation, and almost offer themselves to go away, when a greater good comes in their room. But of this in its due place.

7. (6.) In actions materially evil against the Divine laws, if the event cannot be clearly separated from the irregularity, the first innocent error is, by the after-pleasure, turned into a direct sin. Cneius Carbo lay with Lælia unwittingly, supposing her to be his wife Posthumia; but afterwards, having discovered the error, was pleased in the mistake, because he, by the arts of fancy, did by an afterthought represent to himself the change and the variety, and then he was adulterous. For to be pleased in the mistake which brings no advantage separable from the sin, is directly to choose the sin for the advantage' sake; and this was Carbo's case.

[g] Cicero.

RULE VI.

An innocent, or invincibly erring Conscience, is to be obeyed even against the known Commandment of our Superiors.

1. Against this St. Bernard[h] seems to argue earnestly: "Si tantopere vitanda sunt scandala parvulorum, quanto amplius prælatorum, quos sibi Deus cœquare quodammodo in utroque dignatur, dum sibimet imputat et illorum reverentiam et contemptum?" &c. "If with so great caution we must be careful, that we do not offend any of God's little ones, how much more must we be curious to avoid giving offence to great ones, to our superiors, whom God seems, in some manner, to make equal to himself, while the reverence or the contempt that is done to them, he takes unto himself; saying, 'He that heareth you, heareth me, and he that despiseth you, despiseth me.' But if you say, that men may be deceived in their inquest after the will of God, and may deceive others in reporting it; what is that to thee, who knowest not that they are deceived?

[h] Lib. de præcept. et dispens.

especially since from Scriptures thou art taught, 'That the lips of the priest shall preserve knowledge, and they shall require the law at his mouth, because he is the angel of the Lord of hosts.'" To which discourse of St. Bernard, the following considerations may add some moment; and the discussing them may give light to the inquiry.

2. For in things indifferent the command of the superior must needs be accounted the will of God; for although our superiors are executioners of the Divine laws, yet because they have also a legislative power, they who can alter nothing in things commanded or forbidden by God, must have a power to command or to forbid respectively in things indifferent, or not at all: and therefore, in such things our conscience is bound to obey.

3. And if conscience be pretended against it, it is an error, and ought to be laid down; for to follow this erring conscience, engages us in sin all the way.

4. But as he that submits his understanding to the obedience of Jesus, pleases God most, even when he does it in defiance of all arguments and temptations to the contrary, which though he cannot answer, yet he resolves to follow Christ; so he does best, who, though his conscience pretend reasons against it, will yet lay aside those reasons, that he may submit to his superiors.

5. For it is a great crime by rebelling against, or slighting, the command of our rulers, to give offence to whole societies of men; and there can be no greater contempt done to them, than by undervaluing their judgment to prefer our own; and therefore the prophet pronounces woe to them, who "are wise in their own eyes."

6. But let a subject be ever so wise, he ought not to judge his superior, or to condemn his sentence; and therefore he must be judged by it, and not by his own erring conscience.

7. For as he, who hath made a vow of obedience, hath divested himself of all pretences of contradicting what shall be imposed; and if his conscience shall check him in the instance, he ought to look upon it as a temptation, and use it accordingly: so must it be also in every subject, who by the laws of God is as much tied to obey his superior, as he can be by any law which he puts upon himself. The effect of these suggestions is this, that in things where the law of God hath not declared positively, an erring conscience is not to be attended to; but the law of the superior, and his sentence, must be the guide of his conscience.

2. To this discourse I answer in short, that it is all very true; that the lawful superiors are God's vicegerents, appointed over us in things pertaining to God, so as to be executioners of the Divine laws; and besides this, to make laws in things indifferent and pertaining to men; that all contempt done to them is done to God; that it is scandalous to refuse obedience to them; that he is a proud man who says he is wiser than his superiors; and he is intolerable that prefers his private folly before the public wisdom; and therefore it is well inferred, that the error of an abused conscience ought to be laid down; and though he cannot in particular answer the arguments which trouble him, yet, if he have reason to believe that though the arguments be too hard for him, yet that the superior's command is innocent; it were well if he would lay aside those arguments and adhere to authority. Yet all this touches not the secret of the question; for,

3. He that compares the law of conscience with the law of the superior, compares the law of God and the law of man; and the question is not, whether a man should follow his superior or follow himself? but, whether God or man be to be obeyed, whether the superior or the supreme be to be attended to? The reason of this is, because the conscience stands bound by the supposed law of God, which being superior to all the law of man, must rather be obeyed; and therefore, although the arguments conclude rightly that an erring conscience, disobeying his superior's lawful command, does sin greatly; yet they cannot conclude, that he avoids sin by obeying against his conscience; for his condition is indeed perplexed, and he can no way avoid sin, but by laying his error aside first, and then obeying. And since he sins, whether he obeys his superior's just command or the unjust command of his conscience, the inquiry is, in this sad conjunction of things, by what hand he must be smitten, on which side he must fall, that he may fall the easier? To this the rule answers, that his erring conscience must be obeyed rather, because he is persuaded that God speaks there, and is not persuaded that God speaks by his superior. Now, though in this he be deceived, yet he, that will not go there where he thinks God is, and leave that where he thinks God is not,—does uncertainly go towards God, but does certainly forsake him, as much as lies in him. For,

4. It is to the conscience all one as if the law of God were really upon it, if it be thought it is. "Idem est esse et apparere" in this case; and therefore the erring conscience is to be attended to, because the will and the affections are for God, though the judgment hath mistaken a glow-worm for the sun. But this is to be understood only when the conscience errs innocently and unavoidably, which it can never do in the precepts of nature, and brightest revelation.

5. But if the conscience does err vincibly, that is, with an actual fault, and an imperfect, artificial resolution, such a one, as a good man will not, and a wise man need not have, this present persuasion excuses him not from a double sin, for breaking a double duty; for he is bound to correct his error, and to perform the precepts of his superior; and if he does not, his sin is more than that which was in the vicious cause of his mispersuasion, as I showed in the explication of the former rules.

6. But according as the ignorance and error approaches towards pity, lessening or excusing, so the sin also declines. He that thinks it is not lawful at all to take up arms at the command of his prince, in an unjust or a dubious cause, sins if he does what he thinks so unlawful, and he commits no sin in disobeying, that only excepted which entered into his mispersuasion, which is greater or less, or next to none at all, according as was the cause of his error,

which in the whole constitution of affairs he could not well avoid. But he that is foolishly persuaded that all government is unlawful and antichristian, is bound to lay his error down, and besides the vicious cause of his error, he sins in the evil effect of it, though his imperfect, equivocal conscience calls on him to the contrary; yet he sins if he does not obey, because in such notorious and evident propositions an error is not only malicious in the principle, but voluntary all the way; and therefore may easily, and must certainly, be laid aside in every period of determination.

Whatsoever cases are between these partake of the extremes, according to their proper reason and relation.

RULE VII.

The Error of an abused Conscience ought to be reformed, sometimes by the Command of the Will, but ordinarily by a contrary Reason.

1. (1.) If the error did begin upon a probable reason, it cannot be reformed but by a reason seeming equal to it, because a less reason hath not naturally the same efficacy with a greater; and to assent to a less probability against a greater, is to do against reason, against all that by which this lesser reason is outweighed.[i] For in this case the will can have no influence, which, not being a cognoscitive and discoursing faculty, must be determined by its own motives when it is not determined by reason, that is, by the motives of understanding. Now the motives of will, when it is not moved by right reason, are pleasure and profit, ambition and revenge, partiality and pride, chance or humour: and how these principles can disabuse a conscience is very hard to understand, how readily and certainly they do abuse it, is not hard. Whether the stars be even or odd; whether the soul be generated, or created and infused; whether it be lawful to fight or rail against a prince; what hath the will to do with it? If the will meddles, and makes the resolution, it shall be determined, not as it is best, but as it falls out by chance, or by evil, or by vain inducements. For in the will there is no argument good but reason; I mean, both in the matter of nature and of grace; that is, reason changed into a motive, and an instrument of persuasion, from whatsoever inducing principle.

3. (2.) Some have affirmed,[k] that the error of a conscience may fairly be deposed upon any probable argument, though of less persuasion; which if it could be admitted, would give leave for a man to choose his side as he pleases; because, in all moral things, as dressed with circumstances, it is very easy to find some degrees of probability, but very difficult to find a case against which nothing can be disputed. And therefore, if it happens that a man be better persuaded of his error than of the contrary truth, that truth cannot be chosen wisely, nor the error honestly deposed, because it is done against the way of a man not absolutely, but comparatively against reason.

3. (3.) If the reason on both sides seems equally probable, the will may determine by any of its proper motives that are honest; any prudent interest, any fair compliance, any custom, in case these happen to be on the right side. When the arguments seem equal, the understanding or conscience cannot determine. It must either be a chance, and a special providence of God, or a particular grace, that casts us on the right side. But whatsoever it be that then determines us to the right, if of itself it be innocent, it is in that case an effect of God's grace, and an apt instrument of a right conscience.

4. (4.) When the conscience is erroneous, and the error unreasonable, commenced wholly upon interest, trifling regards, or vicious principles, the error may be deposed honestly, though there be no reason thought of to the contrary, besides the discovery of the first abuse. The will in this case is enough. "Volo servare animam meam," said one; "I will, I am resolved to save my own soul." A man may, and ought to hate the evil principle of his error, and decline it upon the stock of indignation which in this case is a part of repentance. And this insinuates the reason of this discourse. For,

5. Repentance is founded principally in the will; and whatsoever a man is to leave upon the stock of repentance, he may do it wholly upon the stock of his will, informed, or inclined by general propositions, without any cognizance of the particulars of the present question. Eratosthenes coming among the Persian magi, and observing their looser customs of marrying their sisters and their mothers, falls in love with his half-sister Lampra, and marries her. A while after, perceiving that he entered upon this action upon no other account but lust and fancy, and compliance with the impurer magi, he began to hate his act for the evil inducement, and threw away her and his folly together. This he might do without any further reasonings about the indecency of the mixture, by perceiving that a crime or a folly stood at the entrance, and invited him to an evil lodging. He that begins without reason, hath reason enough to leave off, by perceiving he had no reason to begin: and in this case the will is the great agent, which therefore here is no ill principle, because it leaves the error upon the stock of grace and repentance.[l]

6. (5.) If the will entertained the error without any reason at all, as oftentimes it does, it knows not why, she may also depose it honestly without any reason relating to the particular, upon this general, that it could not make the action to be conscientious to have it done without any inducement. But then the taking up the contrary truth upon as little reason, is innocent, because it happens to be on the right side; but it is not virtue nor conscience till it be persuaded by something that is a fit inducement either in the general or in the particular.

[i] Vide Chap. 4.

[k] Sanchez select. 99. disp. 41. num. 27. Merolla in florileg. verb. conscientiâ, num. 14. Bardus de conscientiâ, discep. 3 cap. 11.

[l] Vide Chap. 4 Rule 5.

RULE VIII.

The Error of a Conscience is not always to be opened to the erring Person by the Guides of Souls, or any other charitable Adviser.

1. IF the error began with a sin, and still dwells there upon the same stock, or if it be productive of a sin, it is always to be discovered, though the greatest temporal inconvenience were certainly consequent to the discovery. Because a man must not be suffered to lie in sin, no, not a minute, if he can be recovered or rescued from it; and no temporal advantage or disadvantage can be considerable in this case, which is the case of a soul; an error that is vincible, is all the way criminal, and must not be permitted.

2. (2.) If the error be invincible, and innocent or pitiable in the cause, and yet ends in an intolerable event, and the effect be a crime or a great danger to souls, the error must be discovered by them that can. The Novatians erred in the matter of repentance: the inducing cause of their error was an over-active zeal, and too wary a tenderness in avoiding scandal and judging concerning it. God served the ends of his glory by the occasion of that error, for he uses to bring good out of every evil; and the church, under a better article, grew as wary as the Novatians, as watchful against scandal, as severe against lapsed persons. Now, although in this case the error was from an innocent cause, yet because it landed them upon a course of discipline and persuasion that was not innocent, they were not to be permitted in their error, though the dissolution of the error might or would have occasioned the remission of discipline. For their doctrine of repentance was dishonourable to the mercies of God, an instrument of despair, a rendering the power of the keys and the ministry of the order ecclesiastical in a manner wholly useless, and would, if it were pursued to its just consequents, have hindered repenting sinners to revert to the folds of the church; and therefore, for the accidental good which God brought, or which was likely to have come from that error or the innocence of its principle, it was not to be concealed, but reproved and destroyed because it dwelt in sin. He that believes that repentance to be sufficient, which hath in it nothing but sorrow for what is past, and a present purpose without amendment really in the future, upon no pretence is to be complied withal in the palliation of his error, because the consequent of his error is such a danger, or such a state of sin, for which nothing can make amends.

3. (3.) If the error be invincible, and the consequent of the persuasion be consistent with the state of grace, the error must be opened or not opened, according to prudent considerations relating to the person and his state of affairs. So that the error must rather be suffered than a grievous scandal, or an intolerable, or a very great inconvenience. To this purpose Comitolus says, it was determined by a congregation of learned and prudent persons in answer to a strange and a rare case happening in Venice: a gentleman ignorantly did lie with his mother; she knew it, but intended it not, till for her curiosity and in her search whether her son intended it to her maid, she was surprised and gotten with child: she perceiving her shame and sorrow hasten, sent her son to travel for many years; and he returned not till his mother's female birth was grown to be a handsome pretty maiden. At his return he espies a sweet-faced girl in the house, likes her, loves her, and intends to marry her. His mother conjured him by all that was sacred and profane that he should not, saying, "she was a beggar's child, whom for pity's sake she rescued from the streets and beggary, and that he should not, by dishonouring his family, make her to die with sorrow." The gentleman's affections were strong, and not to be mastered, and he married his own sister and his own daughter. But now the bitings of the mother's conscience were intolerable, and to her confessor she discovered the whole business within a year or two after this prodigious marriage, and asked whether she was bound to reveal the case to her son and daughter, who now lived in love and sweetness of society, innocently, though with secret misfortune, which they felt not. It was concluded negatively, she was not to reveal it, lest she bring an intolerable misery in the place of that which to them was no sin; or lest upon notice of the error they might be tempted, by their mutual endearments and their common children, to cohabit in despite of the case, and so change that into a known sin, which before was an unknown calamity; and by this state of the answer, they were permitted to their innocence, and the children to their inheritance, and all under the protection of a harmless, though erring and mistaken conscience.

4. (4.) If it be doubtful whether more good or hurt may be consequent to the discovery, it is better to conceal it. Because it is more tolerable to have a good omitted, than to have an evil done. That may sometimes be lawful, this can never; and a known evil that is not a sin, is rather to be admitted than an unknown, which no man can tell whether it will arrive. But in this, the prudence of a good and a wise man is to be his only guide, and God's glory his only measure and the public good, and the greater concernments of the interested be chiefly regarded.

CHAPTER IV.

OF THE PROBABLE OR THINKING CONSCIENCE.

RULE I.

A probable Conscience is an imperfect Assent to an uncertain Proposition, in which one Part is indeed clearly and fully chosen, but with an explicit or implicit Notice that the contrary is also fairly eligible.

1. A PROBABLE conscience dwells so between the sure and the doubtful that it partakes something of both. For a sure conscience may begin upon a probable inducement, but is made sure either by an assent to the conclusion, stronger than the premises will infer, or by a reflex act, or some other collateral hardness and adventitious confidence, and therefore the probable is distinguished from that by the imperfection of the assent. But because in that respect it approaches to the doubtful, and in that is alike, it is differenced from this by the determination. For a doubtful conscience considers the probabilities on each side, and dares not choose, and cannot. But the probable does choose, though it considers that in the thing itself there can be no certainty. And from them both it is distinguished by the intervening of the will. For in the sure conscience the will works not at all, because it is wholly conducted by the understanding, and its proper motives. In the doubtful the will cannot interpose by reason of fear and an uncertain spirit; but in the probable it can intervene, not directly, but collaterally and indirectly, because the motives of the probable conscience are not always sufficient to make the conclusion without something of the will applied to extrinsical motives, which reflect also upon the understanding; and yet in this conscience there is no fear, and therefore the will can here be obeyed, which in the first needs not, in the last it cannot. For it is remarkable, that a probable conscience, though it be in speculation uncertain, yet it may be practically certain,—that is, he that believes his opinion to be probable, cannot but think that it is possible he may be in an actual error, but yet he may know that it is innocent to do that for which he hath a probable reason; for though in all these cases he may choose that which is the wrong part, yet he proceeds as safely as if he had chosen right: for if it were not safe to do that which is only probable, then nothing could be done till something were demonstrated; and then in moral theology we should often stand still and suspend our act, but seldom do any thing; nay, sometimes we should neither act nor suspend, it being but probable that either is to be chosen. Yea, sometimes it happens what Aristotle said, that "false things are made more probable than true," as it is to all them who are innocently and invincibly abused; and in this case, if probability were not a sufficient conviction of conscience, such persons could not honestly consent to truth. For even wise men disagree in their sentences of truth and error, and after a great search, scarcely do they discover one single truth unto just measures of confidence; and therefore, no other law could be exacted for human actions, than an opinion honestly entered into, and a probable conscience. And it is remarkable that Cicero saith, that the word "arbitror" is "verbum consideratissimum;" and the old Romans were reserved and cautious in the decrees of judges, and the forms of their oath began with "arbitror," although they gave testimony of things whereof they were eye-witnesses; and the words which their prætors did use in their sentences, was "fecisse videtur," or "non videtur." —"He that observeth the winds, shall not sow; and he that watcheth the clouds, shall never reap;"[a] which means, that if we start at every objection, and think nothing safe but what is certain, and nothing certain but what can be demonstrated, that man is over wise and over just, and by his too curious search misses what he inquires for. Λέγοιτο δ' ἂν ἱκανῶς, εἰ κατὰ τὴν ὑποκειμένην ὕλην διασαφηθείη, "That is well enough proved, that is proved according to the subject matter."—For there is not the same exactness to be looked for in all disciplines, any more than in all manufactures. But in those things which are honest and just, and which concern the public, τοσαύτην ἔχει διαφορὰν καὶ πλάνην, "There is so much dissension and deception," that things are good or bad not by themselves, but as they are in law; πεπαιδευμένος οὖν ἐστὶ ἐπὶ τοσοῦτον τ' ἀκριβὲς ἐπιζητεῖν καθ' ἕκαστον γένος, ἐφ' ὅσον ἡ τοῦ πράγματος φύσις ἐπιδέχεται: "He is well instructed who expects that manner of proof for things which the nature of the things will bear," said Aristotle.[b] And in moral things, it is sufficient that a thing is judged true and certain, though by an uncertain argument; and the opinion may be practically certain, when the knowledge of it is in speculation only probable.

2. It hath two sorts of motives, intrinsical and extrinsical. That is reason, this is authority; and both of them have great considerations in order to practice, of which I am to give account in the following rules.

[a] Eccl. xi. 4.

[b] Ethic. lib. i. c. 1.

RULE II.

A Conscience that is, at first, and in its own Nature, probable, may be made certain by Accumulation of many Probabilities operating the same Persuasion.

1. EVERY probable argument hath in it something of persuasion and proof, and although it cannot produce evidence and entire conviction to a wise and a discerning spirit, yet it can effect all that it ought; and although, if the will list, or if passions rule, the understanding shall be made stubborn against it, and reject it easily; yet if nothing be put in bar against it, it may bring a man to adhere to it beyond the evidence. But in some cases there are a whole army of little people, heaps of probable inducements which the understanding amasses together, and from every side gathers all that can give light and motion to the article in question; it draws auxiliaries from every thing, fights with every weapon, and by all means pursues the victory; it joins line to line, and precept to precept, reason to reason, and reason to authority; the sayings of wise men with the proverbs of the people; consent of talkers and the arguings of disputers; the nature of the thing and the reasonableness of its expectations; the capacities and possibilities of men and of accidents; the purposes and designs, the usefulness and rewards; and by what all agents are and ought to be moved; customs are mingled with laws, and decencies with consideration of profit; the understanding considers the present state and heap of circumstances, and by prudence weighs every thing in its own balance; it considers the consequent of the opinion it intends to establish, and well weighs the inconvenience of the contrary. But from the obscurity and insufficiency of these particulars, there cannot come a perfect light; if a little black be mingled with white, the product must have something of every influence that can be communicated from its principle, or material constitution; and ten thousand millions of uncertains cannot make one certain.

2. In this case, the understanding comes not to any certainty by the energy of the motives and direct arguments of probability, or by the first effort and impresses of their strength; but by a particular reflection which it makes upon the heap, and by a secondary discoursing extracted from the whole; as being therefore convinced, because it believes it to be impossible, that so many considerations, that no way conspire either in matter or design, should agree in the production of a lie. It is not likely that so many beams of light should issue from the chambers of heaven for no other reason but to lead us into a precipice. Probable arguments and prudential motives are the great hinges of human actions; for as a pope once said, "It is but a little wit that governs the world;" and the uncertainty of arguments is the great cause of contingency in events; but as uncertain as most counsels are, yet all the great transactions of the affairs of the world are resolved on and acted by them; by suspicions and fears and probable apprehensions infinite evils are prevented; and it is not, therefore, likely to be an error by which so perpetually so many good things are procured and effected. For it were a disparagement to the wise providence of God, and a lessening the rare economy of the Divine government, that he should permit almost all the world, and all reglements, the varieties of event, and all the changes of kingdoms, and all counsels and deliberations, to be conducted by moral demonstrations, and to be under the power of probabilities, and yet, that these should be deceitful and false. Neither is it to be imagined, that God should permit wise men and good,—men that on purpose place their reason in indifference, that abate of their heats, and quench their own extravagant fires,—men that wipe away all clouds and mists from their eyes, that they may see clearly,—men that search as they ought to do, for things that they are bound to find, things that they are commanded to search, and upon which even all their interests depend, and yet, inquiring after the end whither they are directed, and by what means it is to be required, that these men should be inevitably abused by their own reason, by the best reason they have; and that when concerning the thing which cannot be demonstrated by proper and physical arguments, yet we are to enter into a persuasion so great, that for the verification of it men must venture their lives and their souls;—I say, if this kind of proof be not sufficient to effect all this, and sufficiently to assure such men, and competently to affirm and strengthen such resolutions, salvation and damnation must be by chance, or, which is worse, it must be impossible to be well, but when it cannot choose to be otherwise: and this, I say, is not to be imagined that God will or does permit, since all these intercourses so much concern God's glory and our eternal interest. The main events of heaven and hell do, in some regards, depend, as to us, upon our faith, whose objects are represented with such lights from God and right reason, as are sufficient to persuade, not to demonstrate; they are such which leave something to us of choice and love, and every proposition of Scripture, though it be as sure, yet it is not so evident as the principles of geometry; and the Spirit of God effects his purposes with an influence as soft and placid as the warmth of the sun,—while a physical demonstration blows hard and high as the north wind; indeed a man must use rudeness, if he does not quit his garment at so loud a call, but we are more willing to part with it, when the sun gently requires us: so is a moral demonstration, it is so human, so persuasive, so complying with the nature and infirmities of man, with the actions of his life and his manner of operation, that it seems to have been created on purpose for the needs and uses of man in this life, for virtue and for hopes, for faith and for charity, to make us to believe by love, and to love by believing; for in heaven they that see and love, cannot choose but love, and see, and comprehend; for it is a reward, and fills all their faculties, and is not possessed by us, but itself possesses us. In this world where we are to do something ourselves, though all by the grace of God,—

that which we do of ourselves is nothing else but to work as we ourselves can,—which indeed happens to be in propositions, as it is in the love of God; this cannot fail us, but we may fail of it: and so are the sentences of religion, infallible in themselves, but we may be deceived, while by a fallible way we proceed to infallible notices, for nothing else could endear our labour and our love, our search and our obedience; and therefore, this must be sufficient and acceptable, if we do what we can: but then this also will secure our confidence: and in the noises of christendom, when disputing fellows say their brother is damned for not believing them, we need not to regard any such noises, if we proceed prudently as we can, and honestly as we ought; probable motives of our understanding are our sufficient conduct, and then we have this warrant: "Brethren, if our hearts condemn us not, then have we peace towards God."[c] And God would never have inspired his church with prudence, or made any such virtue, if the things which were put under the conduct of it, that is, probabilities, were not instrumental to the service of God, and to the verification of all its just and proper productions.

3. Probable arguments are like little stars, every one of which will be useless as to our conduct and enlightening; but when they are tied together by order and vicinity, by the finger of God and the hand of an angel, they make a constellation, and are not only powerful in their influence, but like a bright angel, to guide and to enlighten our way. And although the light is not great as the light of the sun or moon, yet mariners sail by their conduct: and though with trepidation and some danger, yet very regularly they enter into the haven. This heap of probable inducements is not of power as a mathematical and physical demonstration, which is in discourse as the sun is in heaven, but it makes a milky and a white path, visible enough to walk securely.

4. And next to these tapers of effective reason, drawn from the nature and from the events, and the accidents and the expectations and experiences of things, stands the grandeur of a long and united authority; the understanding thus reasoning, That it is not credible that this thing should have escaped the wiser heads of all the great personages in the world, who stood at the chairs of princes, or sat in the ruler's chair, and should only appear to two or three bold, illiterate, or vicious persons, ruled by lusts, and overruled by evil habits; but in this we have the same security and the same confidence that timorous persons have in the dark; they are pleased, and can see what is and what is not, if there be a candle,—but in the dark they are less fearful, if they be in company.

5. This way of arguing some are pleased to call a moral demonstration: not that it can make a proposition clear and bright, and quit from clouds and obscurity, as a natural demonstration can; for I may in this case use Aristotle's saying, τοῦτο μὲν ἀληθὲς, ἀλλ' οὐ σαφὲς, "Things of this nature may be very true, but are not very evident;" but it can produce the same effect, that is, it can lead into truth, not with as much brightness, but with as much certainty and infallibility in the event of things. For a man may as prosperously and certainly arrive at his journey's end, though but conducted by him that went the way but once before him, as if he had a straight path walled in on both sides; so may we find truth as certainly by probabilities, as by demonstrations: we are not so sure that we find it, but it is oftentimes as surely found. And if the heap arrive at that which we call a moral demonstration, it is as certain that no moral demonstration can be opposed against it, as that no natural demonstration can be brought in contradiction to a natural. For the understanding cannot call any thing a moral demonstration, till, by considering the particulars on both sides, the reasonableness of one, and the unreasonableness of the other, with a cold scent, and liberty of spirit, and an unbiassed will, it hath passed the sentence for the truth; and since, in this case, all the opposition is between strength and power on one side, and weakness and pretence on the other, it is impossible that the opposite parts should be demonstrations or seem so to the same man. And this appears by this also, that some propositions which are only proved by a conjugation of probable inducements, have yet obtained as certain and as regular events as a natural demonstration, and are believed equally, constantly, and perpetually by all wise men, and the understanding does regularly receive the same impression, and give the same assent, and for ever draws forth the same conclusions,—when it is not abused with differing prejudices and preoccupations, when its liberty and powers are not enfeebled with customs, example, and contrary breeding, while it is not bribed by interest, or hurried away by passion.

6. Of this I shall choose to give one instance, which as it is of the greatest concernment in the world in itself, so the gay impieties and bold wits of the world, who are witty against none more than God and God's wisdom, have made it now to be but too seasonable, and that is, that "the religion of Jesus Christ," or the "christian religion, is from God;" concerning which I will not now pretend to bring in all the particulars whereby each part of it can be verified, but by heaping together such heads of probabilities which are, or may be, the cause of an infinite persuasion; and this I had rather choose to do for these reasons:

7. (1.) Because many men excellently learned have already discoursed largely of the truth of christianity, and approved by a direct and close congression with other religions, by examination of the contrary pretences, refutation of their arguments, answering their objections, and have by direct force so far prevailed, that all the reason of the world appears to stand on the christian side: and for me to do it now, as there is no just occasion ministered by this argument, so neither can it be useful and necessary.

8. (2.) In that way of arguing, every man that is an adversary can answer one argument, and some can reprove many; and none can prevail singly to pos-

[c] 1 John iii. 21.

sess all the understanding, and to fill all the corners of consideration, but in a moral demonstration that can be supplied.

9. (3.) In the other way an adversary supposes himself to prevail, when he can answer the arguments singly: and the discourses in that method are like the servants sent singly to gather fruits of the husbandmen, they killed them as fast as they came, and a man may kill a whole kingdom over, if the opponents come by single persons; but a moral demonstration is like an army which can lose single persons, and yet prevail, but yet cannot be beaten, unless it be beaten all.

10. (4.) The few little things that atheistical persons prate against the holy Jesus and his most excellent religion, are infinitely outweighed by the multitude and variety of things to be said for it; and let the others stand, (as if they meet with persons that cannot answer them,) yet they are sure this greater ought to prevail, because it possesses all the corners of reason, and meets with every instance, and complies with the manner of a man, and is fitted to the nature of things, and complies with the will, and persuades the understanding, and is a guard against the tricks of sophisters, and does not only effect its purpose by direct influence, but is secured by reflection upon itself, and does more by its indirect strength, and by a back blow, than by its first operations: and, therefore,

11. This instance and this way of argument may be of more use to those persons who cannot so dispute, but that they are apt to be abused by little things, by talkings and imperfect arguings; it may be a defensative against trifling objections, and the impious pratings of the "nequam ingeniosi," "the witty fools," while the men are armed by love and prudence, and wise securities, to stand with confidence and piety against talkings and intrigues of danger; for by this way best, "Wisdom is justified of all her children."

An Instance of moral Demonstration, or a Conjugation of Probabilities, proving that the Religion of Jesus Christ is from God.

12. This discourse, of all the disputables in the world, shall require the fewest things to be granted; even nothing but what was evident, even nothing but the very subject of the question, viz. That there was such a man as Jesus Christ, that he pretended such things and taught such doctrines: for he that will prove these things to be from God, must be allowed that they were from something or other. But this postulate I do not ask for need, but for order's sake and art; for what the histories of that age reported as a public affair, as one of the most eminent transactions of the world, that which made so much noise, which caused so many changes, which occasioned so many wars, which divided so many hearts, which altered so many families, which procured so many deaths, which obtained so many laws in favour, and suffered so many rescripts in the disfavour of itself; that which was not done in a corner, but was thirty-three years and more in acting; which caused so many sects, and was opposed by so much art, and so much power, that it might not grow; which filled the world with noise; which effected such great changes in the bodies of men, by curing the diseased, and smiting the contumacious or the hypocrites; which drew so many eyes, and filled so many tongues, and employed so many pens, and was the care and the question of the whole world at that time, and immediately after; that which was consigned by public acts and records of courts, which was in the books of friends and enemies; which came accompanied and remarked with eclipses, and stars, and prodigies of heaven and earth, that which the Jews, even in spite, and against their wills, confessed, and which the witty adversaries intending to overthrow, could never so much as challenge of want of truth in the matter of fact and story; that which they who are infinitely concerned that it should not be believed,—or more, that it had never been,—do yet only labour to make to appear not to have been Divine: Certainly, this thing is so certain that it was, that the defenders of it need not account it a kindness to have it presupposed; for never was any story in the world that had so many degrees of credibility, as the story of the person, life, and death of Jesus Christ: and if he had not been a true prophet, yet that he was in the world, and said and did such things, cannot be denied; for, even concerning Mahomet, we make no question but he was in the world, and led a great part of mankind after him, and what was less proved we infinitely believe; and what all men say, and no man denies, and was notorious in itself, of this we may make further inquiries whether it was all that which it pretended: for that it did make pretences, and was in the world, needs no more probation.

13. But now, whether Jesus Christ was sent from God, and delivered the will of God, we are to take accounts from all the things of the world which were on him, or about him, or from him. Consider, first, his person: he was foretold by all the prophets; he, I say, for that appears by the event, and the correspondencies of their sayings to his person: he was described by infallible characterisms which did fit him, and did never fit any but him; for when he was born, then was the fulness of time, and the Messias was expected at the time when Jesus did appear, which gave occasion to many of the godly then to wait for him, and to hope to live till the time of his revelation: and they did so, and with a spirit of prophecy which their own nation did confess and honour, glorified God at the revelation: and the most excellent and devout persons that were conspicuous for their piety, did then rejoice in him, and confess him; and the expectation of him, at that time, was so public and famous, that it gave occasion to divers impostors to abuse the credulity of the people in pretending to be the Messias. But not only the predictions of the time, and the perfect synchronisms, did point him out, but at his birth a strange star appeared, which guided certain Levantine princes and sages to the inquiry after him; a strange star which had an irregular place, and an irregular motion, that came by design, and acted by counsel, the counsel of the Almighty Guide;

it moved from place to place, till it stood just over the house where the babe did sleep; a star of which the heathen knew much, who knew nothing of him; a star which Chalcidius affirmed to have signified the descent of God for the salvation of man; a star that guided the wise Chaldees to worship him with gifts, as the same disciple of Plato does affirm, and as the Holy Scriptures deliver. And this star could be no secret: it troubled all the country; it put Herod upon strange arts of security for his kingdom; it effected a sad tragedy accidentally, for it occasioned the death of all the little babes in the city and voisinage of Bethlehem. But the birth of this young child, which was thus glorified by a star, was also signified by an angel, and was effected by the Holy Spirit of God, in a manner which was in itself supernatural; a virgin was his mother, and God was his Father, and his beginning was miraculous; and this matter of his birth of a virgin was proved to an interested and jealous person, even to Joseph, the supposed father of Jesus; it was affirmed publicly by all his family, and by all his disciples, and published in the midst of all his enemies, who by no artifice could reprove it; a matter so famous, that when it was urged as an argument to prove Jesus to be the Messias, by the force of a prophecy in Isaiah,—" A virgin shall conceive a Son,"—they who obstinately refused to admit him, did not deny the matter of fact, but denied that it was so meant by the prophet; which, if it were true, can only prove that Jesus was more excellent than was foretold by the prophets, but that there was nothing less in him than was to be in the Messias. It was a matter so famous, that the Arabian physicians, who can affirm no such things of their Mahomet, and yet not being able to deny it to be true of the holy Jesus, endeavour to alleviate and lessen the thing by saying, " it is not wholly beyond the force of nature that a virgin should conceive :" so that it was on all hands undeniable, that the mother of Jesus was a virgin, a mother without a man. This is that Jesus, at whose presence, before he was born, a babe in his mother's belly also did leap for joy, who was also a person extraordinary himself, conceived in his mother's old age, after a long barrenness, signified by an angel in the temple, to his father officiating his priestly office, who was also struck dumb for his not present believing: all the people saw it, and all his kindred were witnesses of his restitution, and he was named by the angel, and his office declared to be the forerunner of the holy Jesus; and this also was foretold by one of the old prophets; for the whole story of this Divine person is a chain of providence and wonder, every link of which is a verification of a prophecy, and all of it is that thing which, from Adam to the birth of Jesus, was pointed at and hinted by all the prophets, whose words in him passed perfectly into the event. This is that Jesus, who, as he was born without a father, so he was learned without a master, he was a man without age, a doctor in a child's garment, disputing in the sanctuary at twelve years old. He was a sojourner in Egypt, because the poor babe, born of an indigent mother, was a formidable rival to a potent king; and this fear could not come from the design of the infant, but must needs arise from the illustriousness of the birth, and the prophecies of the child, and the sayings of the learned, and the journey of the wise men, and the decrees of God: this journey, and the return, were both managed by the conduct of an angel and a divine dream,—for to the Son of God all the angels did rejoice to minister. This blessed Person,—made thus excellent by his Father, and glorious by miraculous consignations, and illustrious by the ministry of heavenly spirits, and proclaimed to Mary and to Joseph by two angels, to the shepherds by a multitude of the heavenly host, to the wise men by a prophecy and by a star, to the Jews by the shepherds, to the gentiles by the three wise men, to Herod by the doctors of the law, and to himself perfectly known by the incasing his human nature in the bosom and heart of God, and by the fulness of the Spirit of God,—was yet pleased, for thirty years together, to live an humble, a laborious, a chaste and a devout, a regular and an even, a wise and an exemplary, a pious and an obscure life, without complaint, without sin, without design of fame or grandeur of spirit, till the time came that the clefts of the rock were to open, and the diamond give its lustre, and be worn in the diadems of kings, and then this Person was wholly admirable; for he was ushered into the world by the voice of a loud crier in the wilderness,—a person austere and wise, of a strange life, full of holiness and full of hardness, and a great preacher of righteousness,—a man believed by all the people that he came from God,—one who in his own nation gathered disciples publicly, and (which amongst them was a great matter) he was the doctor of a new institution, and baptized all the country. Yet this man, so great, so revered, so followed, so listened to by king and people, by doctors and by idiots, by Pharisees and Sadducees, this man preached Jesus to the people, pointed out the Lamb of God, told that he must increase, and himself from all that fame must retire to give him place; he received him to baptism after having with duty and modesty declared his own unworthiness to give, but rather a worthiness to receive baptism from the holy hands of Jesus; but at the solemnity God sent down the Holy Spirit upon his holy Son, and by a voice from heaven, a voice of thunder, (and God was in that voice,) declared that " this was his Son, and that he was delighted in him." This voice from heaven was such, so evident, so certain a conviction of what it did intend to prove, so known and accepted as the way of Divine revelation under the second temple, that at that time every man that desired a sign honestly, would have been satisfied with such a voice; it being the testimony by which God made all extraordinaries to be credible to his people, from the days of Ezra to the death of the nation; and that there was such a voice, not only then, but divers times after, was as certain, and made as evident as things of that nature can ordinarily be made. For it being a matter of fact, cannot be supposed infinite, but limited to

time and place, heard by a certain number of persons, and was as a clap of thunder upon ordinary accounts, which could be heard but by those who were within the sphere of its own activity; and reported by those to others, who are to give testimony as testimonies are required, which are credible under the test of two or three disinterested, honest, and true men; and though this was done in the presence of more, and oftener than once, yet it was a Divine testimony but at first, but is to be conveyed by the means of men: and as God thundered from heaven at the giving of the law,—though that he did so, we have notice only from the books of Moses received from the Jewish nation,—so he did in the days of the Baptist, and so he did to Peter, James, and John, and so he did in the presence of the Pharisees and many of the common people: and as it is not to be supposed that all these would join their divided interests, for and against themselves, for the verification of a lie, so if they would have done it, they could not have done it without reproof of their own parties, who would have been glad by the discovery only to disgrace the whole story; but if the report of honest and just men so reputed, may be questioned for matter of fact, or may not be accounted sufficient to make faith when there is no pretence of men to the contrary,—besides that we can have no story transmitted to us, nor records kept, no acts of courts, no narratives of the days of old, no traditions of our fathers; so there could not be left in nature any usual instrument whereby God could, after the manner of men, declare his own will to us, but either we should never know the will of heaven upon earth, or it must be that God must not only tell it once but always, and not only always to some men, but always to all men; and then, as there would be no use of history, or the honesty of men, and their faithfulness in telling any act of God in declaration of his will, so there would be perpetual necessity of miracles, and we could not serve God directly with our understanding, for there would be no such thing as faith, that is, of assent without conviction of understanding; and we could not please God with believing, because there would be in it nothing of the will, nothing of love and choice; and that faith which is, would be like that of Thomas, "to believe what we see or hear," and God should not at all govern upon earth unless he did continually come himself: for thus, all government, all teachers, all apostles, all messengers, would be needless, because, they could not show to the eye what they told to the ears of men. And it might as well be disbelieved in all courts and by all princes, that this was not the letter of a prince, or the act of a man, or the writing of his hand; and so all human intercourse must cease, and all senses but the eye be useless as to this affair, or else to the ear all voices must be strangers but the principal, if, I say, no reports shall make faith. But it is certain, that when these voices were sent from heaven and heard upon earth, they prevailed amongst many that heard them not, and disciples were multiplied upon such accounts; or else it must be that none that did hear them could be believed by any of their friends and neighbours; for if they were, the voice was as effective at the reflex and rebound as in the direct emission, and could prevail with them that believed their brother or their friend, as certainly as with them that believed their own ears and eyes.

14. I need not speak of the vast numbers of miracles which he wrought; miracles which were not more demonstrations of his power than of his mercy; for they had nothing of pompousness and ostentation, but infinitely of charity and mercy, and that permanent, and lasting, and often: he opened the eyes of the blind; he made the crooked straight; he made the weak strong; he cured fevers with the touch of his hand, and an issue of blood with the hem of his garment, and sore eyes with the spittle of his mouth and the clay of the earth; he multiplied the loaves and fishes; he raised the dead to life, a young maiden, the widow's son of Nain, and Lazarus; and cast out devils by the word of his mouth; which he could never do but by the power of God. For Satan does not cast out Satan, nor a house fight against itself, if it means to stand long; and the devil could not help Jesus, because the holy Jesus taught men virtue, called them from the worshipping devils, taught them to resist the devil, to lay aside all those abominable idolatries by which the devil doth rule in the hearts of men: he taught men to love God, to fly from temptations to sin, to hate and avoid all those things of which the devil is guilty. For christianity forbids pride, envy, malice, lying, and yet affirms that the devil is proud, envious, malicious, and the father of lies; and therefore, wherever christianity prevails, the devil is not worshipped: and therefore he that can think, that a man, without the power of God, could overturn the devil's principles, cross his designs, weaken his strengths, baffle him in his policies, befool him and turn him out of possession, and make him open his own mouth against himself as he did often, and confess himself conquered by Jesus and tormented, as the oracle did to Augustus Cæsar, and the devil to Jesus himself;—he, I say, that thinks a mere man can do this, knows not the weaknesses of a man, nor the power of an angel; but he that thinks this could be done by compact and by consent of the devil, must think him to be an intelligence without understanding,—a power without force,—a fool and a sot to assist a power against himself, and to persecute the power he did assist, to stir up the world to destroy the christians, whose Master and Lord he did assist to destroy himself; and when we read that Porphyrius,[d] a heathen, a professed enemy to christianity, did say, Ἰησοῦ τιμωμένου, τὶς θεῶν δημοσίας ὠφελείας οὐκ ἤσθετο, that "since Jesus was worshipped, the gods could help no man," that is, the gods which they worshipped; the poor, baffled, enervated demons; he must either think that the devils are as foolish as they are weak, or else that they did nothing towards this declination of their power; and therefore, that they suffer it by a power higher than themselves, that is, by the power of God in the hand of Jesus.

[d] Euseb. lib. 5. c. 1. præp. Evang.

15. But besides that God gave testimony from heaven concerning him; he also gave this testimony of himself to have come from God, because that "he did God's will;" for he that is a good man, and lives, by the laws of God and of his nation, a life innocent and simple, prudent and wise, holy and spotless, unreproved and unsuspected,—he is certainly by all wise men, said, in a good sense, to be the son of God; but he who does well and speaks well, and calls all men to glorify and serve God, and serves no ends but of holiness and charity, of wisdom of hearts and reformation of manners, this man carries great authority in his sayings, and ought to prevail with good men in good things, for good ends, which is all that is here required. But his nature was so sweet, his manners so humble, his words so wise and composed, his comportment so grave and winning, his answers so seasonable, his questions so deep, his reproof so severe and charitable, his pity so great and merciful, his preachings so full of reason and holiness, of weight and authority, his conversation so useful and beneficent, his poverty great but his alms frequent, his family so holy and religious, his and their employment so profitable; his meekness so incomparable, his passions without difference, save only where zeal or pity carried him on to worthy and apt expressions, a person that never laughed, but often wept in a sense of the calamities of others; he loved every man and hated no man, he gave counsel to the doubtful and instructed the ignorant, he bound up the broken hearts and strengthened the feeble knees, he relieved the poor and converted the sinners, he despised none that came to him for relief, and as for those that did not, he went to them; he took all occasions of mercy that were offered him, and went abroad for more; he spent his days in preaching and healing, and his nights in prayers and conversation with God; he was obedient to laws, and subject to princes, though he was the prince of Judea in right of his mother, and of all the world in right of his Father; the people followed him, but he made no conventions, and when they were made, he suffered no tumults; when they would have made him a king, he withdrew himself; when he knew they would put him to death, he offered himself; he knew men's hearts, and conversed secretly, and gave answer to their thoughts, and prevented their questions; he would work a miracle rather than give offence, and yet suffer every offence rather than see God his Father dishonoured; he exactly kept the law of Moses, to which he came to put a period, and yet chose to signify his purpose only by doing acts of mercy upon their sabbath, doing nothing which they should call a breach of a commandment, but healing sick people, a charity which themselves would do to beasts, and yet they were angry at him for doing it to their brethren. In all his life, and in all his conversation with his nation, he was innocent as an angel of light; and when, by the greatness of his worth, and the severity of his doctrine, and the charity of his miracles, and the noises of the people, and his immense fame in all that part of the world, and the multitude of his disciples, and the authority of his sermons, and his free reproof of their hypocrisy, and his discovery of their false doctrines and weak traditions, he had branded the reputation of the vicious rulers of the people, and they resolved to put him to death,—they who had the biggest malice in the world, and the weakest accusations, were forced to supply their want of articles against him by making truth to be his fault, and his office to be his crime, and his open confession of what was asked him, to be his article of condemnation: and yet, after all this, they could not persuade the competent judge to condemn him, or to find him guilty of any fault; and therefore they were forced to threaten him with Cæsar's name, against whom then they would pretend him to be an enemy, though in their charge they neither proved, nor indeed laid it against him; and yet, to whatsoever they objected he made no return, but his silence and his innocence were remarkable and evident, without labour and reply, and needed no more argument than the sun needs an advocate to prove that he is the brightest star in the firmament.

16. Well, so it was, they crucified him: and when they did, they did as much put out the eye of heaven as destroy the Son of God; for when, with an incomparable sweetness, and a patience exemplar to all ages and sufferers, he endured affronts, examinations, scorns, insolencies of rude ungentle tradesmen, cruel whippings, injurious, unjust, and unreasonable usages from those whom he obliged by all the arts of endearment and offers of the biggest kindness,—at last he went to death as to the work which God appointed him, that he might become the world's sacrifice, and the great example of holiness, and the instance of representing by what way the world was to be made happy,—even by sufferings, and so entering into heaven:—that he might, I say, become the Saviour of his enemies, and the elder Brother to his friends, and the Lord of glory, and the fountain of its emanation. Then it was that God gave new testimonies from heaven: the sun was eclipsed all the while he was upon the cross, and yet the moon was in the full; that is, he lost his light, not because any thing in nature did invest him, but because the God of nature (as a heathen at that very time confessed, who yet saw nothing of this sad iniquity) did suffer. The rocks did rend, the veil of the temple divided of itself and opened the enclosures, and disparked the sanctuary, and made it pervious to the gentiles' eye: the dead arose, and appeared in Jerusalem to their friends; the centurion and divers of the people smote their hearts, and were by these strange indications convinced that he was the Son of God. His garments were parted, and lots cast upon his inward coat: they gave him vinegar and gall to drink; they brake not a bone of him, but they pierced his side with a spear, looking upon him whom they had pierced; according to the prophecies of him, which were so clear, and descended to minutes and circumstances of his passion, that there was nothing left, by which they could doubt whether this were he or no, who was to come into the world. But after all this, that all might be finally verified and no scruple left, after three days' burial, a great stone being rolled to the face of the grave, and the

stone sealed, and a guard of soldiers placed about it, he arose from the grave, and for forty days together conversed with his followers and disciples, and beyond all suspicion was seen of five hundred brethren at once, which is a number too great to give their consent and testimony to a lie, and it being so publicly and confidently affirmed at the very time it was done, and for ever after urged by all christians, used as the most mighty demonstration, proclaimed, preached, talked of, even upbraided to the gainsayers, affirmed by eye-witnesses, persuaded to the kindred and friends, and the relatives and companions of all those five hundred persons who were eye-witnesses, it is infinitely removed from a reasonable suspicion; and at the end of those days was taken up into heaven in the sight of many of them, as Elias was in the presence of Elisha.

17. Now he of whom all these things are true, must needs be more than a mere man; and that they were true, was affirmed by very many eye-witnesses, men who were innocent, plain men, men that had no bad ends to serve, men that looked for no preferment by the thing in this life; men to whom their Master told they were to expect not crowns and sceptres, not praise of men or wealthy possessions, not power and ease, but a voluntary casting away care and attendance upon secular affairs that they might attend their ministry; poverty and prisons, trouble and vexation, persecution and labour, whippings and banishment, bonds and death; and for a reward they must stay till a good day came, but that was not to be at all in this world; and when the day of restitution and recompence should come, they should never know till it came, but upon the hope of this and the faith of Jesus, and the word of God so taught, so consigned, they must rely wholly and for ever. Now let it be considered, how could matters of fact be proved better? and how could this be any thing, but such as to rely upon matters of fact? What greater certainty can we have of any thing that was ever done, which we saw not, or heard not,—but by the report of wise and honest persons? especially since they were such, whose life and breeding was so far from ambition and pompousness, that as they could not naturally and reasonably hope for any great number of proselytes, so the fame that could be hoped for amongst them, as it must be a matter of their own procuring, and consequently uncertain,—so it must needs be very inconsiderable, not fit to outweigh the danger and the loss, nor yet at all valuable by them whose education and pretences were against it. These we have plentifully. But if these men are numerous and united, it is more. Then we have more; for so many did affirm these things which they saw and heard, that thousands of people were convinced of the truth of them: but then if these men offer their oath, it is yet more, but yet not so much as we have, for they sealed those things with their blood; they gave their life for a testimony; and what reward can any man expect, if he gives his life for a lie? Who shall make him a recompence, or what can tempt him to do it knowingly? But after all, it is to be remembered, that as God hates lying, so he hates incredulity: as we must not believe a lie, so neither stop up our eyes and ears against truth; and what we do every minute of our lives in matters of little and of great concernment, if we refuse to do in our religion,—which yet is to be conducted as other human affairs are, by human instruments and arguments of persuasion proper to the nature of the thing,—it is an obstinacy that is as contrary to human reason as it is to Divine faith.

18. These things relate to the person of the holy Jesus; and prove sufficiently that it was extraordinary,—that it was Divine,—that God was with him,—that his power wrought in him; and, therefore, that it was his will which Jesus taught, and God signed. But then if nothing of all this had been, yet even the doctrine itself proves itself Divine and to come from God.

19. For it is a doctrine perfective of human nature, that teaches us to love God and to love one another, to hurt no man, and to do good to every man; it propines to us the noblest, the highest, and the bravest pleasures of the world; the joys of charity, the rest of innocence, the peace of quiet spirits, the wealth of beneficence, and forbids us only to be beasts and to be devils; it allows all that God and nature intended, and only restrains the excrescencies of nature, and forbids us to take pleasure in that which is the only entertainment of devils, in murders and revenges, malice and spiteful words and actions; it permits corporal pleasures where they can best minister to health and societies, to conversation of families and honour of communities; it teaches men to keep their words that themselves may be secured in all their just interests, and to do good to others that good may be done to them; it forbids biting one another, that we may not be devoured by one another; and commands obedience to superiors, that we may not be ruined in confusions; it combines governments, and confirms all good laws, and makes peace, and opposes and prevents wars, where they are not just, and where they are not necessary. It is a religion that is life and spirit, not consisting in ceremonies and external amusements, but in the services of the heart, and the real fruit of lips and hands, that is, of good words and good deeds; it bids us to do that to God which is agreeable to his excellencies,—that is, worship him with the best thing we have, and make all things else minister to it; it bids us to do that to our neighbour by which he may be better: it is the perfection of the natural law, and agreeable to our natural necessities, and promotes our natural ends and designs: it does not destroy reason, but instructs it in very many things, and complies with it in all; it hath in it both heat and light, and is not more effectual than it is beauteous; it promises every thing that we can desire, and yet promises nothing but what it does effect; it proclaims war against all vices, and generally does command every virtue; it teaches us with ease to mortify those affections which reason durst scarce reprove, because she hath not strength enough to conquer; and it does create in us those virtues, which reason of herself never knew,—and, after they are known, could never approve sufficiently: it is a doctrine in which nothing is super-

fluous or burdensome, nor yet is there any thing wanting, which can procure happiness to mankind, or by which God can be glorified: and if wisdom, and mercy, and justice, and simplicity, and holiness, and purity, and meekness, and contentedness, and charity, be images of God and rays of Divinity, then that doctrine in which all these shine so gloriously, and in which nothing else is ingredient, must needs be from God; and that all this is true in the doctrine of Jesus, needs no other probation but the reading the words.

20. For that the words of Jesus are contained in the Gospels, that is, in the writings of them who were eye-witnesses and ear-witnesses of the actions and sermons of Jesus, is not at all to be doubted; for in every sect we believe their own records of doctrine and institution; for it is madness to suppose the christians to pretend to be servants of the laws of Jesus, and yet to make a law of their own which he made not: no man doubts but that the Alcoran is the law of Mahomet, that the Old Testament contains the religion of the Jews; and the authority of these books is proved by all the arguments of the religion, for all the arguments persuading to the religion are intended to prove no other than is contained in those books; and these having been for 1500 years and more received absolutely by all christian assemblies, if any man shall offer to make a question of their authority, he must declare his reasons,—for the disciples of the religion have sufficient presumption, security and possession, till they can be reasonably disturbed; but that now they can never be is infinitely certain, because we have a long, immemorial, universal tradition that these books were written, in those times, by those men whose names they bear; they were accepted by all churches at the very first notice, except some few of the later, which were first received by some churches, and then consented to by all, they were acknowledged by the same, and by the next age for genuine, their authority published, their words cited, appeals made to them in all questions of religion, because it was known and confessed that they wrote nothing but that they knew, so that they were not deceived; and to say they would lie must be made to appear by something extrinsical to this inquiry, and was never so much as plausibly pretended by any adversaries, and it being a matter of another man's will, must be declared by actions, or not at all. But besides the men that wrote them were to be believed because they did miracles,—they wrote prophecies, which are verified by the event; persons were cured at their sepulchres, a thing so famous that it was confessed even by the enemies of the religion: and after all, that which the world ought to rely upon, is the wisdom, and the providence, and the goodness of God; all which it concerned to take care that the religion, which himself so adorned and proved by miracles and mighty signs, should not be lost, nor any false writings be obtruded instead of true, lest, without our fault, the will of God become impossible to be obeyed. But to return to the thing: all those excellent things which singly did make famous so many sects of philosophers, and remarked so many princes of their sects, all them united, and many more which their eyes, ὄμματα νυκτερίδων, dark and dim, could not see, are heaped together in this system of wisdom and holiness. Here are plain precepts full of deepest mystery; here are the measures of holiness and approaches to God described; obedience and conformity, mortification of the body and elevations of the spirit, abstractions from earth, and arts of society and union with heaven, degrees of excellencies, and tendencies to perfection, imitations of God, and conversations with him; these are the heights and descents, upon the plain grounds of natural reason, and natural religion,—for there is nothing commanded but what our reason by nature ought to choose, and yet nothing of natural reason taught but what is heightened and made more perfect by the Spirit of God; and when there is any thing in the religion, that is against flesh and blood, it is only when flesh and blood is against us and against reason, when flesh and blood either would hinder us from great felicity, or bring us into great misery. To conclude, it is such a law, that nothing can hinder men to receive and entertain, but a pertinacious baseness and love to vice, and none can receive it but those who resolve to be good and excellent; and if the holy Jesus had come into the world with less splendour of power and mighty demonstrations, yet even the excellency of what he taught, makes him alone fit to be the master of the world.

21. But then let us consider what this excellent Person did effect, and with what instruments he brought so great things to pass. He was to put a period to the rites of Moses, and the religion of the temple, of which the Jews were zealous even unto pertinacy; to reform the manners of all mankind, to confound the wisdom of the Greeks, to break in pieces the power of the devil, to destroy the worship of all false gods, to pull down their oracles, and change their laws, and by principles wise and holy to reform the false discourses of the world. But see what was to be taught, a trinity in the unity of the Godhead, τρία ἓν και ἓν τρία, that is the christian arithmetic, "Three are one, and one are three," so Lucian in his Philopatris, or some other, derides the christian doctrine; see their philosophy, "Ex nihilo nihil fit." No: "Ex nihilo omnia," "all things are made of nothing:"—and a Man-God and a God-Man, the same person finite and infinite, born in time, and yet from all eternity the Son of God, but yet born of a woman, and she a maid, but yet a mother; resurrection of the dead, reunion of soul and body; this was part of the christian physics or their natural philosophy. But then certainly their moral was easy and delicious. It is so indeed, but not to flesh and blood, whose appetites it pretends to regulate or to destroy, to restrain or else to mortify: fasting, and penance, and humility, loving our enemies, restitution of injuries, and self-denial, and taking up the cross, and losing all our goods, and giving our life for Jesus: as the other was hard to believe, so this is as hard to do. But for whom and under whose conduct was all this to be believed, and all this to be done, and all this to be suffered? surely

for some glorious and mighty prince, whose splendour as far outshines the Roman empire as the jewels of Cleopatra outshone the swaddling clothes of the babe at Bethlehem. No, it was not so neither. For all this was for Jesus, whom his followers preached; a poor babe born in a stable, the son of a carpenter, cradled in a cratch, swaddled in poor clouts; it was for him whom they indeed called a God, but yet who, all the world knew, and they themselves said, was whipped at a post, nailed to a cross; he fell under the malice of the Jews his countrymen, and the power of his Roman lords, a cheap and a pitiful sacrifice without beauty and without splendour. The design is great, but does not yet seem possible; but, therefore, let us see what instruments the holy Jesus chose to effect these so mighty changes, to persuade so many propositions, to endear so great sufferings, to overcome so great enemies, to master so many impossibilities, which this doctrine, and this law, from this master, were sure to meet withal.

22. Here, here it is that the Divinity of the power is proclaimed. When a man goes to war, he raises as great an army as he can to out-number his enemy; but when God fights, three hundred men that lap like a dog are sufficient; nay, one word can dissolve the greatest army. He that means to effect any thing, must have means of his own proportionable; and if they be not, he must fail, or derive them from the mighty. See then with what instruments the holy Jesus sets upon this great reformation of the world. Twelve men of obscure and poor birth, of contemptible trades and quality, without learning, without breeding; these men were sent into the midst of a knowing and wise world to dispute with the most famous philosophers of Greece, to out-wit all the learning of Athens, to out-preach all the Roman orators; to introduce into a newly settled empire, which would be impatient of novelties and change, such a change as must destroy all their temples, or remove thence all their gods: against which change all the zeal of the world, and all the passions, and all the seeming pretences which they could make, must needs be violently opposed; a change that introduced new laws, and caused them to reverse the old, to change that religion under which their fathers long did prosper, and under which the Roman empire obtained so great a grandeur, for a religion which in appearance was silly and humble, meek and peaceable, not apt indeed to do harm; but exposing men to all the harm in the world, abating their courage, blunting their swords, teaching peace and unactiveness, and making the soldiers' arms in a manner useless, and untying their military girdle; a religion which contradicted their reasons of state, and erected new judicatories, and made the Roman courts to be silent and without causes; a religion that gave countenance to the poor and pitiful (but in a time when riches were adored, and ambition esteemed the greatest nobleness, and pleasure thought to be the chiefest good); it brought no peculiar blessing to the rich or mighty, unless they would become poor and humble in some real sense or other; a religion that would change the face of things, and would also pierce into the secrets of the soul, and unravel all the intrigues of hearts, and reform all evil manners, and break vile habits into gentleness and counsel: that such a religion in such a time, preached by such mean persons, should triumph over the philosophy of the world, and the arguments of the subtle, and the sermons of the eloquent, and the power of princes, and the interest of states, and the inclinations of nature, and the blindness of zeal, and the force of custom, and the pleasures of sin, and the busy arts of the devil, that is, against wit, and power, and money, and religion, and wilfulness, and fame, and empire, which are all the things in the world that can make a thing impossible; this, I say, could not be by the proper force of such instruments; for no man can span heaven with an infant's palm, nor govern wise empires with diagrams. It were impudence to send a footman to command Cæsar to lay down his arms, to disband his legions, and throw himself into the Tiber, or keep a tavern next to Pompey's theatre; but if a sober man shall stand alone unarmed, undefended, or unprovided; and shall tell that he will make the sun stand still, or remove a mountain, or reduce Xerxes's army to the scantling of a single troop, he that believes he will and can do this, must believe he does it by a higher power than he can yet perceive, and so it was in the present transaction. For that the holy Jesus made invisible powers to do him visible honours, that his apostles hunted the demons from their tripods, their navels, their dens, their hollow pipes, their temples, and their altars, that he made the oracles silent, as Lucian, Porphyry, Celsus, and other heathens confess; that against the order of new things, which, let them be ever so profitable or good, do yet suffer reproach, and cannot prevail unless they commence in a time of advantage and favour,—yet that this should flourish like the palm by pressure, grow glorious by opposition, thrive by persecution, and was demontrated by objections,—argues a higher cause than the immediate instrument. Now how this higher cause did intervene is visible and notorious: the apostles were not learned, but the holy Jesus promised that he would send down wisdom from above, from the Father of spirits; they had no power, but they should be invested with power from on high; they were ignorant and timorous, but he would make them learned and confident, and so he did: he promised that, in a few days, he would send the Holy Ghost upon them,—and he did so: after ten days, they felt and saw a glorious immission from heaven, lights of movable fire sitting upon their heads, and that light did illuminate their hearts, and the mighty rushing wind inspired them with a power of speaking divers languages, and brought to their remembrances all that Jesus did and taught, —and made them wise to conduct souls, and bold to venture, and prudent to advise, and powerful to do miracles, and witty to convince gainsayers, and hugely instructed in the Scriptures, and gave them the spirit of government and the spirit of prophecy. This thing was so public, that, at the first notice of it, three thousand souls were converted on that very

day, at the very time when it was done; for it was certainly a visible demonstration of an invisible power, that ignorant persons who were never taught, should, in an instant, speak all the languages of the Roman empire; and indeed this thing was so necessary to be so, and so certain that it was so, so public and so evident, and so reasonable, and so useful, that it is not easy to say whether it was the indication of a greater power or a greater wisdom. And now the means was proportionable enough to the biggest end: without learning they could not confute the learned world, but therefore God became their teacher; without power they could not break the devil's violence, but therefore God gave them power; without courage they could not contest against all the violence of the Jews and gentiles, but therefore God was their strength, and gave them fortitude; without great caution and providence they could not avoid the traps of crafty persecutors, but therefore God gave them caution, and made them provident: and as Bezaleel and Aholiab [e] received the Spirit of God, the spirit of understanding, to enable them to work excellently in the tabernacle, so had the apostles to make them wise for the work of God and the ministries of his diviner tabernacle, "which God pitched, not man." Immediately upon this, the apostles, to make a fulness of demonstration and an undeniable conviction, gave the Spirit to others also, to Jews and gentiles, and to the men of Samaria, and they spake with tongues and prophesied; then they preached to all nations, and endured all persecutions, and cured all diseases, and raised the dead to life, and were brought before tribunals, and confessed the name of Jesus, and convinced the blasphemous Jews out of their own prophets, and not only prevailed upon women and weak men, but even upon the bravest and wisest. All the disciples of John the Baptist, the Nazarenes and Ebionites, Nicodemus and Joseph of Arimathea, Sergius the president, Dionysius an Athenian judge, and Polycarpus, Justinus and Irenæus, Athenagoras and Origen, Tertullian and Clemens of Alexandria, who could not be such fools, as, upon a matter not certainly true, but probably false, to unravel their former principles, and to change their liberty for a prison, wealth for poverty, honour for disreputation, life for death, if by such exchange they had not been secured of truth and holiness and the will of God.

23. But above all these was Saul, a bold and a witty, a zealous and learned young man, who, going with letters to persecute the christians of Damascus, was, by a light from heaven, called from his furious march, reproved by God's angel for persecuting the cause of Jesus, was sent to the city, baptized by a christian minister, instructed and sent abroad; and he became the prodigy of the world for learning and zeal, for preaching and writing, for labour and sufferance, for government and wisdom; he was admitted to see the holy Jesus after the Lord was taken into heaven; he was taken up into paradise; he conversed with angels; he saw unspeakable rays of glory; and besides that himself said it, who had no reason to lie, who would get nothing by it here but a conjugation of troubles, and who should get nothing by it hereafter if it were false;—besides this I say, that he did all those acts of zeal and obedience for the promotion of the religion, does demonstrate he had reason extraordinary for so sudden a change, so strange a labour, so frequent and incomparable sufferings: and, therefore, as he did and suffered so much upon such glorious motives, so he spared not to publish it to all the world, he spake it to kings and princes, he told it to the envious Jews: he had partners of his journey who were witnesses of the miraculous accident, and in his publication he urged the notoriousness of the fact, as a thing not feigned, not private, but done at noon-day, under the test of competent persons: and it was a thing that proved itself, for it was effective of a present, a great, and a permanent change.

24. But now it is no new wonder, but a pursuance of the same conjugation of great and divine things, that the fame and religion of Jesus was, with so incredible a swiftness, scattered over the face of the habitable world, from one end of the earth unto the other: it filled all Asia immediately, it passed presently to Europe, and to the furthest Africans; and all the way it went, it told nothing but an holy and an humble story, that he who came to bring it into the world, died an ignominious death; and yet this death did not take away their courage, but added much: for they could not fear death for that Master, whom they knew to have, for their sakes, suffered death, and came to life again. But now infinite numbers of persons, of all sexes, and all ages, and all countries, came in to the holy crucifix; and he that was crucified in the reign of Tiberius, was, in the time of Nero, even in Rome itself, and in Nero's family, by many persons, esteemed for a God; and it was upon public record that he was so acknowledged; and this was by a christian, Justin Martyr, urged to the senate, and to the emperors themselves, who, if it had been otherwise, could easily have confuted the bold allegation of the christian, who yet did die for that Jesus, who was so speedily reputed for a God; the cross was worn upon breasts, printed in the air, drawn upon foreheads, carried on banners, put upon crowns imperial; and yet the christians were sought for to punishments, and exquisite punishments sought forth for them; their goods were confiscate, their names odious, prisons were their houses, and so many kinds of tortures invented for them, that Domitius Ulpianus hath spent seven books in describing the variety of tortures the poor christian was put to at his first appearing; and yet in despite of all this, and ten thousand other objections and impossibilities, whatsoever was for them, made the religion grow, and whatsoever was against them, made it grow; if they had peace, the religion was prosperous,—if they had persecution, it was still prosperous; if princes favoured them, the world came in because the christians lived holily; if princes were incensed, the world came in because the christians died bravely. They sought for death with greediness; they desired to be grinded in the teeth of lions: and with joy they beheld the wheels

[e] Exod. xxxvi. 1.

and the bended trees, the racks and the gibbets, the fires and the burning irons, which were like the chair of Elias to them, instruments to carry them to heaven, into the bosom of their beloved Jesus.

25. Who would not acknowledge the Divinity of this person, and the excellency of this institution, that should see infants to weary the hands of hangmen for the testimony of Jesus? and wise men preach this doctrine for no other visible reward, but shame and death, poverty and banishment? and hangmen converted by the blood of martyrs springing upon their faces, which their impious hands and cords have strained through their flesh? Who would not have confessed the honour of Jesus, when he should see miracles done at the tombs of martyrs, and devils tremble at the mention of the name of Jesus, and the world running to the honour of the poor Nazarene, and kings and queens kissing the feet of the poor servants of Jesus? Could a few fishermen and a publican effect all this for the son of a poor maiden of Judea? Can we suppose all the world, or so great a part of mankind, can consent by chance, or suffer such changes for nothing? or for any thing less than this? The son of the poor maiden was the Son of God, and the fishermen spake by a Divine spirit, and they caught the world with holiness and miracles, with wisdom and power bigger than the strength of all the Roman legions. And what can be added to all this, but this thing alone to prove the Divinity of Jesus? He is a God, or at least is taught by God, who can foretell future contingencies; and so did the holy Jesus, and so did his disciples.

26. Our blessed Lord, while he was alive, foretold that, after his death, his religion should flourish more than when he was alive: he foretold persecutions to his disciples; he foretold the mission of the Holy Ghost to be in a very few days after his ascension, which within ten days came to pass; he prophesied that the fact of Mary Magdalene in anointing the head and feet of her Lord, should be public and known as the gospel itself, and spoken of in the same place; he foretold the destruction of Jerusalem, and the signs of its approach, and that it should be by war; and particularly after the manner of prophets, symbolically named the nation should do it, pointing out the Roman eagles; he foretold his death, and the manner of it; and plainly, beforehand, published his resurrection, and told them it should be the sign to that generation, viz. the great argument to prove him to be the Christ; he prophesied that there should arise false Christs after him, and it came to pass, to the extreme great calamity of the nation; and lastly, he foretold that his beloved disciple, St. John, should tarry upon the earth till his coming again, that is, to his coming to judgment upon Jerusalem; and that his religion should be preached to the gentiles, that it should be scattered over all the world, and be received by all nations; that it should stay upon the face of the earth till his last coming to judge all the world, and that "the gates of hell should not be able to prevail against his church;" which prophecy is made good thus long, till this day, and is as a continual argument to justify the Divinity of the Author: the continuance of the religion helps to continue it, for it proves that it came from God, who foretold that it should continue; and therefore it must continue, because it came from God; and therefore it came from God, because it does and shall for ever continue, according to the word of the holy Jesus.

27. But after our blessed Lord was entered into glory, the disciples also were prophets; Agabus foretold the dearth that was to be in the Roman empire in the days of Claudius Cæsar, and that St. Paul should be bound at Jerusalem; St. Paul foretold the entering in of heretics into Asia after his departure; and he, and St. Peter, and St. Jude, and generally the rest of the apostles, had two great predictions, which they used, not only as a verification of the doctrine of Jesus, but as a means to strengthen the hearts of the disciples, who were so broken with persecution: the one was, that there should arise a sect of vile men, who should be enemies to religion and government, and cause a great apostasy, which happened notoriously in the sect of the Gnostics, which those three apostles and St. John notoriously and plainly do describe; and the other was, that although the Jewish nation did mightily oppose the religion, it should be but for a while, for they should be destroyed in a short time, and their nation made extremely miserable; but for the christians, if they would fly from Jerusalem, and go to Pella, there should not a hair of their head perish. The verification of this prophecy the christians extremely longed for, and wondered it staid so long, and began to be troubled at the delay, and suspected all was not well, when the great proof of their religion was not verified; and while they were in thoughts of heart concerning it, the sad catalysis did come, and swept away one million one hundred thousand of the nation, and from that day forward the nation was broken in pieces with intolerable calamities, they are scattered over the face of the earth, and are a vagabond nation, but yet like oil in a vessel of wine, broken into bubbles, but kept in their own circles, and they shall never be a united people till they are servants of the holy Jesus; but shall remain without priest or temple, without altar or sacrifice, without city or country, without the land of promise, or the promise of a blessing, till our Jesus is their High Priest, and the Shepherd to gather them into his fold: and this very thing is a mighty demonstration against the Jews by their own prophets; for when Isaiah, and Jeremiah, and Malachi, had prophesied the rejection of the Jews, and the calling of the gentiles, and the change of the old law, and the introduction of a new by the Messias,—that this was he, was therefore certain, because he taught the world a new law; and presently after the publication of this, the old was abrogate, and not only went into desuetude, but into a total abolition among all the world; and for those of the remnant of the scattered Jews, who obstinately blaspheme, the law is become impossible to them, and they placed in such circumstances that they need not dispute concerning its obligation: for it being external and corporal, ritual, and at last made also local, when the circum-

stances are impossible, the law that was wholly ceremonial and circumstantial must needs pass away; and when they have lost their priesthood, they cannot retain the law; as no man takes care to have his beard shaved when his head is off.

28. And it is a wonder to consider, how the anger of God is gone out upon that miserable people, and that so great a blindness is fallen upon them; it being evident and notorious, that the Old Testament was nothing but a shadow and umbrage of the New; that the prophecies of that are plainly verified in this; that all the predictions of the Messias are most undeniably accomplished in the person of Jesus Christ, so that they cannot, with any plausibleness or colour, be turned any other way, and be applied to any other person; although the Jews make illiterate allegations, and prodigious dreams, by which they have fooled themselves for sixteen hundred years together, and still hope without reason, and are confident without revelation, and pursue a shadow while they quit the glorious body; while, in the mean time, the christian prays for his conversion, and is at rest in the truth of Jesus, and hath certain inexpressible confidences and internal lights, clarities of the Holy Spirit of God, and loves to the holy Jesus produced in his soul,—that he will die when he cannot dispute, and is satisfied and he knows not how, and is sure by comforts, and comforted by the excellency of his belief, which speaks nothing but holiness, and light and reason, and peace and satisfactions infinite; because he is sure that all the world can be happy if they would live by the religion of Jesus, and that neither societies of men nor single persons can have felicity but by this,—and that, therefore, God, who so decrees to make men happy, hath also decreed that it shall for ever be upon the face of the earth, till the earth itself shall be no more. Amen.

29. Now if, against this vast heap of things, any man shall but confront the pretences of any other religion, and see how they fail both of reason and holiness, of wonder and divinity, how they enter by force, and are kept up by human interests, how ignorant and unholy, how unlearned and pitiful are their pretences, the darknesses of these must add great eminency to the brightness of that. For the Jews' religion, which came from heaven, is, therefore, not now to be practised, because it did come from heaven, and was to expire into the christian, it being nothing but the image of this perfection; and the Jews needed no other argument but this, that God hath made theirs impossible now to be done,—for he that ties to ceremonies and outward usages, temples and altars, sacrifices and priests, troublesome and expensive rites, and figures of future signification, means that there should be an abode and fixed dwelling, for these are not to be done by an ambulatory people; and, therefore, since God hath scattered the people into atoms and crumbs of society, without temple or priest, without sacrifice or altar, without Urim or Thummim, without prophet or vision, even communicating with them no way but by ordinary providence, it is but too evident, that God hath nothing to do with them in the matter of that religion, but that it is expired, and no way obligatory to them or pleasing to him, which is become impossible to be acted: whereas the christian religion is as eternal as the soul of a man, and can no more cease than our spirits can die, and can worship upon mountains and caves, in fields and churches, in peace and war, in solitude and society, in persecution and in sunshine, by night and by day, and be solemnized by clergy and laity in the essential parts of it, and is the perfection of the soul, and the highest reason of man, and the glorification of God.

30. But for the heathen religions, it is evidently to be seen, that they are nothing but an abuse of the natural inclination which all men have to worship a God, whom because they know not, they guess at in the dark; for that they know there is and ought to be something that hath the care and providence of their affairs. But the body of their religion is nothing but little arts of governments, and stratagems of princes, and devices to secure the government of new usurpers, or to make obedience to the laws sure, by being sacred, and to make the yoke that was not natural, pleasant by something that is. But yet for the whole body of it, who sees not that their worshippings could not be sacred, because they were done by something that is impure? They appeased their gods with adulteries and impure mixtures, by such things which Cato was ashamed to see, by gluttonous eatings of flesh, and impious drinkings: and they did "litare in humano sanguine," they sacrificed men, and women, and children to their dæmons,—as is notorious in the rites of Bacchus Omesta amongst the Greeks, and of Jupiter, to whom a Greek and a Greekess, a Galatian and a Galatess, were yearly offered; in the answers of the oracles to Calchas, as appears in Homer and Virgil; who sees not that crimes were warranted by the example of their immortal gods, and that what did dishonour themselves, they sang to the honour of their gods, whom they affirmed to be passionate and proud, jealous and revengeful, amorous and lustful, fearful and impatient, drunken and sleepy, weary and wounded; that the religions were made lasting by policy and force, by ignorance and the force of custom, by the preferring an inveterate error, and loving of a quiet and prosperous evil, by the arguments of pleasure and the correspondences of sensuality, by the fraud of oracles and the patronage of vices; and because they feared every change as an earthquake, as supposing overturnings of their old error to be the eversion of their well established governments; and it had been ordinarily impossible that ever christianity should have entered, if the nature and excellency of it had not been such as to enter like rain into a fleece of wool, or the sun into a window without noise or violence, without emotion and disordering the political constitution, without causing trouble to any man but what his own ignorance or peevishness was pleased to spin out of his own bowels: but did establish governments, secure obedience, made the laws firm, and the persons of princes to be sacred; it did not oppose force by force, nor "strike

princes for justice; it defended itself against enemies by patience, and overcame them by kindness; it was the great instrument of God to demonstrate his power in our weaknesses, and to do good to mankind by the imitation of his excellent goodness.

31. Lastly; He that considers concerning the religion and person of Mahomet, that he was a vicious person, lustful and tyrannical,—that he propounded incredible and ridiculous propositions to his disciples,—that it entered by the sword, by blood and violence, by murder and robbery,—that it propounds sensual rewards, and allures to compliance by bribing our basest lusts, that it conserves itself by the same means it entered; that it is unlearned and foolish, against reason, and the discourses of all wise men,—that it did no miracles and made false prophecies: in short, that in the person that founded it, in the article it persuades, in the manner of prevailing, in the reward it offers, it is unholy, and foolish, and rude; it must needs appear to be void of all pretence, and that no man of reason can ever be fairly persuaded by arguments, that it is the daughter of God, and came down from heaven. Since, therefore, there is nothing to be said for any other religion, and so very much for christianity, every one of whose pretences can be proved as well as the things themselves do require, and as all the world expects such things should be proved; it follows, that the holy Jesus is the Son of God, that his religion is commanded by God, and is that way by which he will be worshipped and honoured, and that "there is no other name under heaven by which we can be saved, but only by the name of the Lord Jesus." He that puts his soul upon this, cannot perish; neither can he be reproved, who hath so much reason and argument for his religion. "Sit anima mea cum christianis;" I pray God, "my soul may be numbered amongst the christians."

32. This *πάρεργον* I have here brought as an instance of moral demonstration, not only to do honour to my dearest Lord, by speaking true and great things of his name, and endeavouring to advance and establish his kingdom, but to represent in order to the first intention, that a heap of probabilities may, in some cases, make a sure conscience: for, as Cicero says, "Probabile id est, quod habet in se quandam similitudinem, sive id falsum est, sive verum." For probability is not in the thing properly, for every thing is true or false in itself, and even false things may have the face and the likeness of truth, and cozen even wise persons. It was said of Bias, in Diogenes Laertius, "Orator summus et vehemens, sed in bonam causam dicendi vim omnem exercuit;" he could speak excellently, but then he spake best when he had an ill cause. This Lactantius calls "argutam malitiam," "a cunning and an eloquent malice." But then as falsehood may put on the face of truth, so may truth also look like itself; and, indeed, every truth that men preach in religion is at least probable, that is, there is so much to be said for it, that wise and good men may be persuaded into every truth; and the cause that it is only probable is by reason of our want of knowledge of things; but if it so happen that there is much to be said for the truth, and little or nothing against it, then it is a moral demonstration, that is, it ought to persuade firmly, and upon it we may rest confidently.

33. This only I am to admonish, that our assent in these cases is not to be greater than the force of the premises; and therefore the church of Rome,—offering to prove all her religion as it distinguishes from the other divisions of christians only by some prudential motives, or probable inducements, and yet requiring that all her disciples should believe it with divine and infallible faith, as certainly as we believe a mathematical demonstration,—does unjustly require brick where she gives no straw, and builds a tower upon a bulrush, and confesses that her interest is stronger than her argument, and that where by direct proof she cannot prevail, she by little arts would affright the understanding. For to give a perfect assent to probable inducements can neither be reasonable nor possible for considering persons, unless these conditions be in it.

The Requisites or Conditions of a Moral Demonstration for the assuring our Conscience.

34. (1.) That the thing be the most probable to us in our present condition: for there are summities and principalities of probation proportionable to the ages and capacities of men and women. A little thing determines a weak person; and children believe infinitely whatsoever is told to them by their parents or tutors, because they have nothing to contest against it. For in all probable discourses, there is an allay and abatement of persuasion by the opposition of argument to argument; but they who have nothing to oppose, and have no reason to suspect, must give themselves up wholly to it; and then every thing that comes is equally the highest, because it fully and finally must prevail. But then that which prevails in infancy, seems childish and ridiculous in our youth; and then we are concluded by some pretences and pretty umbrages of things, which, for want of experiences, we think very well of; and we can then do no more; that is a demonstration to us, which must determine us: and these little things must then do it because something must be done, and we must do it as wisely as we may, but no man is bound to be wiser than he can. As the thing seems, either in its own light or in our position, so we are to give our assent unto it.

35. (2.) A heap of probable inducements ought to prevail, as being then a moral demonstration, when the thing is not capable of a natural; for then probabilities ought to prevail, when they are the best argument we have. For if any man shall argue thus: "It is not probable that God would leave his church without sufficient means to end controversies, and since a living infallible judge is the most effective to this purpose, it is therefore to be presumed and relied upon, that God hath done so." This argument ought not to prevail as a moral demonstration; for though there are some semblances and appearances of reason in it, "Nihil enim est tam incredibile, quod non dicendo fiat probabile;" said Cicero in his Paradoxies; "there is nothing

so incredible, but something may be said for it;" and a witty man may make it plausible, yet there are certainties against it. For God hath said expressly, that "every man is a liar," and therefore we are commanded to "call no man master upon earth;" and the nature of man is weak, and his understanding trifling, and every thing abuses him, and every man that is wise sees his own ignorance, and he that is not wise is easily deceived,—and they who have pretended to be infallible, have spoken pitiful things, and fallen into strange errors, and cannot be guarded from shame without a whole legion of artifices and distinctions, and therefore, it is certain that no man is infallible; and where the contrary is certain, the probable pretence is but a fallacy and an art of illusion.

36. (3.) There can be no moral demonstration against the word of God, or Divine revelation. He that should flatter himself with thinking the pains of hell shall not be eternal, because it is not agreeable to the goodness of God to inflict a never-ceasing pain for a sudden and transient pleasure, and that there can be no proportion between finite and infinite, and yet God who is the fountain of justice will observe proportions; or if there could be ten thousand more little things said to persuade a sinning man into confidences of an end of torment:—yet he would find himself deceived, for all would be light when put into the balance against these words of our blessed Saviour, "Where the worm never dies, and the fire never goeth out."

37. (4.) Where there is great probability on both sides, there neither of them can pretend to be a moral demonstration, or directly to secure the conscience: for contradictions can never be demonstrated; and if one says true, the other is a fair pretender, but a foul deceiver; and, therefore, in this case the conscience is to be secured indirectly and collaterally by the diligence of search, the honesty of its intention, the heartiness of its assent, the infirmity of the searcher, and the unavoidableness of his mistake.

38. (5.) The certainty of a moral demonstration must rely upon some certain rule, to which, as to a centre, all the little and great probabilities, like the lines of a circumference, must turn; and when there is nothing in the matter of the question, then conscience hath ἓν μέγα, one great axiom to rely upon, and that is, that "God is just," and "God is good, and requires no greater probation than he hath enabled us to find."

39. (6.) In probable inducements, God requires only such an assent as can be effective of our duty and obedience, such a one as we will rely upon to real events, such as merchants have when they venture their goods to sea upon reasonable hopes of becoming rich, or armies fight battles in hope of victory, relying upon the strength they have as probable to prevail; and if any article of our religion be so proved to us as that we will reduce it to practice, own all its consequences, live according to it, and in the pursuance of it, hope for God's mercy and acceptance, it is an assent as great as the thing will bear, and yet, as much as our duty will require; for in these cases no man is wise but he whose ears and heart are open to hear the instructions of any man who is wiser and better than himself.

40. (7.) Rules of prudence are never to be accepted against a rule of logic, or reason, and strict discourses. I remember that Bellarmine, going to prove purgatory from the words of our blessed Saviour, "It shall not be forgiven him in this world, nor in the world to come;" argues thus, "If this shall not be forgiven in the world to come, then it implies that some sins are there forgiven, and, therefore, there is a purgatory; because in heaven there are no sins, and in hell there are none forgiven. This (says he) concludes not by the rule of logicians, but it does by the rule of prudence." Now this to all wise men must needs appear to be an egregious prevarication even of common sense; for if the rules of logic be true, then it is not prudence, but imprudence that contradicts them, unless it be prudence to tell or to believe a lie. For the use of prudence is to draw from conjectures a safe and a wise conclusion, when there are no certain rules to guide us. But against the certain rule it is folly that declares, not prudence; and besides that this conjecture of Bellarmine is wholly against the design of Christ, who intended there only to say that "the sin against the Holy Ghost should never be pardoned;" it fails also in the main inquiry, for although there are no sins in heaven, and in hell none are forgiven, yet at the day of judgment all the sins of the penitent shall be forgiven and acquitted with a blessed sentence: but besides this, the manner of expression is such as may with prudence be expounded, and yet to no such purpose as he dreams. For if I should say, Aristobulus was taken away, that neither in this life, nor after his death, his eyes might see the destruction of the temple, does it follow by the rule of prudence, therefore, some people can see in their grave, or in the state of separation with their bodily eyes? But as to the main inquiry, what is to be the measure of prudence? For some confident people think themselves very prudent, and that they say well and wisely, when others, wiser than they, know they talk like fools: and because no established reason can be contradicted by a prudent conjecture, it is certain that this prudence of Bellarmine was a hard shift to get an argument for nothing, and that no prudential motives are to be valued because any man calls them so, but because they do rely upon some sure foundation, and draw obscure lines from a resolved truth. For it is not a prudential motive, unless it can finally rest upon reason, or revelation, or experience, or something that is not contradicted by any thing surer than itself.

RULE III.

Of two Opinions equally probable, upon the Account of their proper Reasons, one may be safer than another.

1. That is more probable, which hath fairer reasons; that is more safe, that is furthest distant

from a sin: and although this be always considerable in the matter of prudence, and in the whole conjunction of affairs, yet it is not always a proper ingredient in the question. The abbot of Lerius hath the patronage of some ecclesiastical preferments in the neighbourhood; he, for affection, prefers to one of them an ignorant and a vicious clerk. But afterwards being troubled in conscience, inquires if he be not bound to restitution. He is answered, No; because it is in the matter of distributive justice, which binds not to repair that which is past, any other ways but by repentance to God, and provisions for the future: yet he being perplexed and unsatisfied, does restore so much fruits to the next worthy incumbent, as the former unworthy clerk did eat. This was the surer course, and it procured peace to him; but the contrary was the more probable answer. It is safer to restore all gains of usury; but it is more probable that a man is not obliged to it. In which cases the advantage lies not on that side that is more probable, but on that which is more safe; as in these sentences that oblige to restitution. For although either part avoids a formal sin, yet the safer side also persuades to an action that is materially good, such as restitution is; but not to restore, although in these cases it may be innocent, yet, in no sense, can it of itself be laudable.

2. To which also in these cases it may be added, that on the safer side there is a physical, or natural and proper certainty, that we sin not: on the other, though there is a greater probability that there is no obligation, yet, at most, it can make but some degrees of moral certainty. But how far this course is to be chosen and pursued, or how far the other is to be preferred, will afterwards be disputed.

RULE IV.

An Opinion that is speculatively probable, is not always practically the same.

1. IN a right and sure conscience the speculative and the practical judgment are always united, as I have before[f] explicated; but in opinions that are but probable, the case is contrary. It is in speculation probable, that it is lawful to baptize in the name of the Lord Jesus; but yet, he that shall do this practically, does improbably and unreasonably. If the opinion of the primitive christians had been probable that it is lawful to communicate infants, yet it were at no hand fitting to be done in the present constitution of affairs; and it were highly useful, if men would consider this effectually; and not from every tolerable opinion instantly run to an unreasonable and intolerable practice.

2. For a speculation considers the nature of things abstractedly from circumstances physically or metaphysically; and yet when it comes to be reduced to practice, what, in the head, was innocent, will, upon the hand, become troublesome and criminal. If there were nothing in it but the disorder of the novelty of the disturbance of men's minds in a matter that is but probable, it were highly enough to reprove this folly. Every man's imperfect discourse or half reasons are neither fit to govern the actions of others or himself. Suppose it probable, (which the Greek church believes,) that the consecration of the blessed eucharist is not made by the words of institution, but by the prayers of the holy man that ministers, the bishop or the priest; yet when this is reduced to practice, and that a man shall omit the words of institution or consecration, his practice is more to be reproved than his opinion could be possibly allowed. Some think churches not to be more sacred than other places: what degree of probability soever this can have, yet it is a huge degree of folly to act this opinion, and to choose a barn to pray in, when a church may be had.

3. For there are, in actions, besides the proper ingredients of their intrinsical lawfulness or consonancy to reason, a great many outsides and adherencies, that are considerable beyond the speculation. The want of this consideration hath done much evil in many ages; and amongst us nothing hath been more usual than to dispute concerning a rite or sacramental, or a constitution whether it be necessary, and whether the contrary be not lawful; and if it be found probably so as the inquirers would have it, immediately they reduced it to practice, and caused disorder and scandal, schism and uncharitableness amongst men, while they thought that christian liberty could not be preserved in the understanding, unless they disorder all things by a practical conclusion. "Videas quosdam, quibus sua libertas non videtur consistere, nisi per esum carnium die Veneris in ejus possessionem venerint;"[g] Calvin complains with reason. It is a strange folly that men will not think they have possession of christian liberty, unless they break all laws and all customs; as if men could not prove things to be indifferent, and not obligatory, unless they certainly omit them. Christian liberty consists in the head, not in the hand; and when we know we are free from the bondage, we may yet do the work; and when our gracious Lord hath knocked our fetters off, we may yet think it to be fit to do what his stewards command us in order to his services. It is free to us to eat or to abstain, to contain or to marry; but he that only marries because he would triumph and brag of his freedom, may get an imperious mistress instead of a gentle master. By the laws of christian liberty, indifferent things are permitted to my choice, and I am not under their power; but no christian liberty says, that I am free from the power of a man, though I be from the power of the thing; and although in speculation, this last was sufficient to be considered, yet when the opinion comes to be reduced to practice, the other also ought to have been thought upon. And besides this, it is a strange pertness and boldness of spirit, so to trust every fancy of my own, as to put the greatest interest upon it; so to be in love with every opinion, and trifling conceit, as to value it beyond the peace of the church, and the wiser cus-

[f] Chap. 2.

[g] Lib. iii. cap. 9. Instit.

toms of the world, or the laws and practices of a wise and well instructed community of men. Nothing can make recompence for a certain change but a certain truth, with apparent usefulness in order to charity, piety, or institution.

4. These instances are in the matter of religion; it may also happen thus in the matter of justice. When Lamech perceived something stir in a bush, it was very probable it was a wild beast; but when he came to reduce his opinion to practice, he shot at it, and killed a man. And, in the matter of justice, there is a proper reason for this rule: because, in matters of right or wrong, possession is not to be altered without certainty, and therefore neither can I seize upon my goods in another man's hand, unless I be sure they are mine, though I were not otherwise restrained by human laws; neither may I expose any thing to danger, of which I am not certainly master.

5. This also is, with great caution, to be observed in the matter of chastity. Although it may be true, that, in many cases, such or such aspects or approximations may be lawful; that is, those things, so far as they are considered, have no dissonancy from reason: yet he that shall reduce this opinion to practice, must also remember, that he is to deal with flesh and blood, which will take fire, not only from permissions, but from prohibitions and restraints, and will pass instantly from lawful to unlawful: and although this may not be a sin in consideration and discourse, but is to be acquitted by the sentence of the schools and pulpit, yet when it comes to be viewed and laid before the judgment in the court of conscience, and as it was clothed with circumstances,—it will be found, that when it came to be practised, other parts or senses were employed, which cannot make such separations, but do something else.

6. But if it be asked, "To what purpose it can be, that any man should inquire of the lawfulness of such actions, which whether they be lawful or unlawful, yet may not be done?" I answer, that "the inquiry is necessary for the direct avoiding a sin in the proper matter of the instance;" for he that never inquires, sins for want of inquiry, and despises his soul, because he takes no care that it be rightly informed: but if he inquires, and be answered that the opinion is false, or the action criminal,—he finds by the answer, that it was worth his pains to ask, because by it he is taught to avoid a sin: but then, besides the question of lawful or unlawful, there are further inquiries to be made concerning fitting and unfitting, offensive or complying, safe or dangerous, abstractedly or in relation; for many things, which are lawful in themselves, become very bad to him that does them, and to him that suffers them.

RULE V.

The greater Probability destroys the less.

1. That is, it is not lawful "directly" to choose an opinion, that seems less probable, before that which is more probable; I say, "directly;" for if the less probable be more safe, it becomes accidentally more eligible; of which I have already[h] given account, and shall add something afterward.[i] But without this accident, the degrees of safety are left to follow the degrees of probability. For when the safety does not depend upon the matter, it must depend upon the reasons of the inducement; and because the safety must increase consequently to the probability, it is against charity to omit that which is safer, and to choose that which is less safe.

2. For it is not in moral things as it is in natural, where a less sweet is still sweet, though not so sweet as that which is more: and the flowers of trefoil are pleasant, though honey be far more pleasant; and Phædon may be wise, though he be not so wise as Plato: because there are degrees of intension and remission in these qualities: and if we look upon two probable propositions, and consider them naturally, they are both consonant to reason in their apparencies, though in several degrees. So that if Sempronius choose a less probable, before he hath learned what is more probable, he hath done well and safely. But when the two probables are compared, to reject that which is more probable is to do, 1. Unnaturally; 2. and unreasonably; 3. and imprudently.

(1.) Unnaturally.

3. In matters proposed to the will,—the will may choose a less good, and reject the greater; and though it is most commonly a great imperfection to do so, yet it is many times innocent; because it is in the choice of the will, to which it is propounded, and no commandment laid upon it. But in matters of opinion and intellectual notices, where there is no liberty, there is a necessity of following the natural proportions, that is, that the stronger efficient upon the same suscipient should produce the more certain and regular effect. "To think or to opine is not free," said Aristotle;[k] and yet he that chooses the less probable, omitting that which is more, makes the determination by his will, not by his understanding; and, therefore, it is not an honest act or judgment of conscience, but a production of the will.

4. (2.) It is unreasonable: because in all those degrees of reasonableness, in which the less probable is excelled by that which is more probable, a man does wholly proceed without and against that reason. And why does he choose the less probable? I do not ask why he chooses the less probable opinion,—that, I mean, which is so in itself; for he may do that, because it seems more reasonable, or he knows nothing else: but I ask, why he proceeds according to a less probable conscience? that is, why does he choose that, which he believes to be

[h] Rule 2. of this sect.

[i] Chap. 5. rule 4.

[k] Lib. ii. de Animâ, text. 153.

less probable? for what reason does he choose that, for which he hath the least reason? If there be no reason to choose that rather than the other, then it is an unreasonable thing to do so. If there be a reason, which is not in the other, or which is not excelled or equalled by it,—then the case is altered, and this is not the less probable, but equally or more. But supposing it less probable, it is a contradiction to say a man can reasonably choose it. For if he could, there must be some greater reason in that which hath less reason; something there must be in it, whereby it can be preferred, or be more eligible, which is directly against the supposition and state of the question. The unreasonableness of this we may also perceive by the necessities of mankind, which are served by the more probable, and disserved by that which is less. For thus judges are bound for the interest of all parties, and the reasonableness of the thing, to judge on that side where the sentence is most probable: and the physician, in prescribing medicines, must not choose that which he least confides in, and reject that which he rather trusts. And why do all the world, in their assemblies, take that sentence, which is chosen by the greater part? but because that is presumed more probable, and that which is so, ought to be followed; and why it ought not to be so in matters of our soul, is not easily to be told, unless our conscience may be governed by will rather than by reason, or that the interest of souls is wholly inconsiderable.

5. (3.) It is also imprudent: a man that believes a less probable, is light of heart, he is incurious of his danger, and does not use those means in order to his great end, which himself judges the most reasonable, effective, and expedient. He does as Rehoboam did, who rejected the wiser counsel of the seniors, and chose the less likely sentence of the young gallants, and does against the advice of all those rules which are prescribed us in prudent choice; and if no man ever advised another to choose that which is less reasonable,—he that does so, does against the wisdom and the interest of all the wise men in the world.

6. (4.) After all this, it is not honest to do it. For in two probables, only one of them is true; and which that is, he can only take the best way of the best reason to find out; and it is impossible he should believe that, which to him seems less likely, to be the more likely; and, therefore, so far as is in him, he chooses that which is false, and voluntarily abuses his conscience;—which, besides the folly of it, is also criminal and malicious.

7. This doctrine thus delivered was the opinion of the ancient casuists, Angelus, Sylvester, Cordubensis, Cajetan, and some others; but fiercely opposed by the latter, who are bold and confident to say, that their opinion is the common and more received, and it relies upon these reasons;

8. (1.) Because if it were unlawful to follow the less probable and to leave the greater, it is because there is danger in so doing, and no man ought to expose himself to a danger of sinning: but this pretence is nothing; for by the consent of all sides, it is lawful to follow the more probable, though it be less safe; and, therefore, all danger of sinning is not, under pain of sin, to be avoided.

9. (2.) The people are not tied to greater severity in their practices, than the doctors are in their sermons and discourses, nor yet so much: because, in these, an error is an evil principle, and apt to be of mischievous effect and dissemination; whereas an error in practice, because it is singular and circumstantiate, is also personal and limited. But the doctors may lawfully teach an opinion less probable, if they be moved to it by the authority of some more eminent person.

10. (3.) It is confessed to be lawful to follow the opinion that is more probable; but that it is lawful to leave the more probable and to follow the less, say they, is the more common and received opinion, and therefore also more probable; and therefore this opinion may be chosen and pursued; and then, because we may follow that opinion which is more probable, we may follow that which is less, because it is more probable that we may.

These objections I answer:

11. (1.) That the danger of sinning is not the only reason why we may not follow the less probable opinion; for it is not always unlawful to expose ourselves to a danger of sinning; for sometimes it is necessary that we endure a noble trial, and resist openly, and oppose an enemy, which cannot be done without danger, but is often without sin; but to leave the more probable for the less is not only a danger of sinning, but a sin directly, and beyond a danger; and if it were not more than a mere danger, it could not be a sin. For besides that this hath danger, it is a most unreasonable and a most unnatural thing, against the designs of God and the proper effects of reason. But besides, this way of arguing is neither good in logic nor in conscience. He that can answer one of my arguments, does not presently overthrow my proposition; and it is not safe to venture upon an action, because the contrary relies upon one weak leg. But then as to the instance in this argument, I answer, he that follows the more probable, though it be less safe, does not expose himself to any danger at all of sinning, because though he does not follow his greatest fears, yet he follows his greatest reason, and in that he is sometimes safest though he perceives it not: however, there is in this case no danger that is imputable to the man, that follows the best reason he hath. But this excuses not him, who follows that which seems to him to have in it less reason; for unless it be by some other intervening accident, which may alter the case, (of which I shall afterwards give account,) the less probable opinion hath in it a direct danger, and therefore to choose it, is ordinarily against charity, and, in some degree, against conscience itself.

12. (2.) To the second I answer, that both doctors and the people, though they may safely follow the less probable opinion, yet they may never directly follow a less probable conscience: that is, though a probable opinion is a sufficient guide of conscience, and it is sufficient both for publication and for prac-

tice that it is so; and, therefore, that we are not strictly tied to make a curious search into the two probables, which excels others in the degrees of reason, lest there should arise eternal scruples, perpetual restlessness and dissatisfaction in the minds of men; yet when of two probables there is an actual persuasion that this is more, and that is less, neither may the doctors teach, nor any man follow the less, —because here it is not the better opinion, but the better conscience that is despised. It may happen that what I believe more probable, is indeed less; and therefore it must be admitted to be safe to follow the less probable opinion, if it happen to stand on the fairest side of conscience,—that is, that it be better thought of than it deserves; but for the same reason it is also certain, that we must follow that which we think the more probable opinion, whether it be so or no,—because this is to be done, not for the opinion, but for conscience sake. And whereas it is said in the objection, that "a doctor may lawfully teach an opinion less probable, if he be moved to it by the authority of some more eminent person," that is as much as to say, when the opinion which intrinsically, or at least in his private judgment, seems less probable, becomes extrinsically the more probable, he may follow either; of which in this chapter I am yet to give a more particular account; but it no ways rifles the present doctrine. Only this I add, if it were lawful and safe to follow the less probable opinion, and reject the greater, then in such questions, which are only determined by authority and sentences of wise men, it were lawful to choose any thing that any one of them permits, and every probable doctor may rescind all the laws in christendom, and expound all the precepts of the gospel in easy senses, and change discipline into liberty, and confound interests, and arm rebels against their princes, and flocks against their shepherds and prelates, and set up altar against altar, and mingle all things sacred and profane. Because if any one says it is lawful, all that have a mind to do evil things, may choose him for their guide, and his opinion for their warranty.

13. (3.) To the third, I answer, that the opinion which is more common, is not always the more probable; for it may be false and heretical: and if at any times it seems more probable, it is because men understand little or nothing of it. But then if it were so, yet this opinion, which is lately taught by the modern casuists, is not the more common, simply and absolutely; it was once the less common, and whether it be so now or no, it is hard to tell; but admit it be so, yet the community and popularity of opinion is but a degree of extrinsical probability, and is apt to persuade only in the destitution of other arguments, which because they are not wanting in this question, the trick in the objection appears trifling.

RULE VI.

When two Opinions seem equally probable, the last Determination is to be made by Accidents, Circumstances, and collateral Inducements.

1. In the matter of this rule it is variously disputed; some affirming that the understanding must for ever remain suspended, and the action wholly omitted, as in the case of a doubting conscience. Others give leave to choose either part, as a man please, making the will to determine the understanding.

2. The first cannot be true, because while they both seem equally consonant to reason, it cannot be dishonest to choose that, which to me seems reasonable; and, therefore, the understanding may choose practically. They are like two things equally good, which alike move the will,—and the choosing of the one is not a refusing the other, when they cannot be both enjoyed: but like the taking one piece of gold, and letting the other, that is as good alone: and the action is determined by its own exercise, not by an antecedent reason.

But neither can it be, in all cases and questions, that the determination can be totally omitted; as if the question be whether this ought to be done, or ought to be let alone, and both of them seem equally probable; so also if the question be, whether it may be done, or may be let alone: in these cases, it is certain one part must be chosen; for the very suspending the act is not a suspending of the choice, the not doing it is a compliance with one of the probabilities. The lazy fellow in the apologue, that told his father he lay in bed in the morning, to hear Labour and Idleness dispute whether it were best to rise or to lie still, though he thought their arguments equally probable, yet he did not suspend his act, but, without determining, he put the sentence of Idleness in execution: and so it must be in all questions of general inquiry concerning lawful or unlawful, necessary or not necessary; the equal probability cannot infer a suspension or an equal noncompliance.

3. But neither can the second be true; for the will must not alone be admitted an arbitrator in this affair; for besides that it is of dangerous consequence to choose an opinion because we will, it is also unnatural, the will being no ingredient into the actions of understanding. The will may cause the understanding to apply a general proposition to a particular case, and produce a practical judgment by that general measure, without particular arguments in the question apportioned to the proper matter, as I before discoursed.[1] But when the understanding is wholly at dispute about the proper arguments of two propositions, if the will interposes, the error that happens, if the conclusion falls on the wrong side, is without excuse, because it is chosen; and the truth is not so safe and useful, because it came by an incompetent instrument, by that which was indifferent to this truth or the other.

[1] Ch. iii. Rule 7.

Indeed, if there be no other way to determine the question, the will must do it, because there is no avoiding it; but if there be any other way, this must not be taken; but ordinarily there is.

4. The third way, therefore, is this: The determination may be made by any thing that can be added to either side "in genere rationis." As the action that is prepared, stands more ready for my circumstances; that which does me less violence, that which is more proportionable to any of those events, which in prudence are to me considerable. It is indifferent whether Paula Romana give her alms to the poor of Nicopolis, or to the poor dwelling near the monastery of Bethlehem; but because these dwelt nearer, and were more fitted for her circumstances, this was enough to turn the scale and make the determination. It is like putting on that garment that is nearest me; not this rather than the other, nor yet this because I will, but this because it is here. The use of this rule is, to prevent a probable conscience to become doubtful, and yet (as much as may be) to avoid the interposition of the will in the practical judgments of conscience.

5. This rule is to be enlarged with this addition; That if the conscience, by reason of the equal probability of two opinions so standing without any determining and deciding circumstances and accidents, cannot decree on any side neither by intrinsical nor extrinsical means, that is, neither by proper arguments nor collateral inducements, no action ought to follow: but the case of which the question is, if it can be, ought to be omitted, as in the case of a doubting conscience; which, though as I showed before, cannot happen when the question is general of lawful or unlawful, necessary or unnecessary, yet it may happen in particular cases, as whether this thing be lawful or that, whether this is to be done or the other. It may happen that neither of them ought, and, in the present supposition, neither of them can; that is, if the man suffers his dispute to pass into a doubt.

6. In other cases, a man may safely take any course, which he finds probable, equally disputed, uncertain in itself, contrarily determined by doctors disputing with fair arguments. For in this case malice is no ingredient; and if interest be, it is therefore lawful, because it is an extrinsical motive, apt and reasonable to be considered, and chosen, and pursued by fair means, if the interest itself have no foulness in it.

7. But of all the external motives, that can have influence in the determination of a sentence between two probabilities, a relation to piety is the greatest. He that chooses this, because it is most pious, chooses his opinion out of consideration, and by the inducement of the love of God. That which causes more honour to God, that which happily engages men in holy living, that which is the most charitable, and the most useful,—that is to be preferred. But this is to be conducted with these cautions:

8. (1.) That the disposition to piety or charity be not made to contest an apparent truth. It is hugely charitable to some men, if it could be made true, to say that God is merciful to all sinners and at all times; and it is ten thousand pities to see a man made to despair upon his death-bed, upon the consideration of his past evil life; but this consideration must not, therefore, be pretended against the indispensable plain necessity of a holy life, since it is plainly revealed, that "without the pursuing of peace with all men, and holiness, no man shall see God."

9. (2.) If both the probabilities be backed and seconded by their proper relations to piety, to take one of them is not a competent way to determine the probability; but it must be wholly conducted by the efficacy of its proper reasons, or by some appendage in which one prevails above the other, when one opinion is valued because it is apt to make men fear, and not to be presumptuous; and another, because it is apt to make men hope, and never to despair; the balance is equal, and must be turned by neither of these. Scotus and Durandus, Gabriel and Almain, Medina, and some few others, taught, "That the death of Christ did not make satisfaction to God for the sins of the whole world, by the way of perfect and exact justice, but by God's gracious acceptance of it, and stipulation for it." This opinion does, indeed, advance the honour of God's mercy, but the contrary advances the dignity of Christ's suffering; and therefore it must be disputed and determined by some other instruments of persuasion. God the Father is on one side, and God the Son on the other; and though he who honours one, honours both, yet he that prefers one, may seem also to disparage both.

10. (3.) The relation to piety, and the advantages which come to it by the opinion, must not be fantastic, and relying upon a weak opinion and fond persuasion, but upon true reason or real effects. It is a common opinion among the ancients, that Anna, the mother of the blessed virgin-mother of God, had been married to three husbands successively, and that the blessed virgin was the second wife of Joseph; they who think that the second and third marriages are less perfect than the first, think it more pious to embrace the other opinions, viz. that Anna was married to none but Joachim, and that Joseph was only married to the holy Virgin Mary: but because this is to take measures of things, which God hath not given us, and to reckon purities and impurities by their own fancies, not by reason and revelation from God, therefore this fantastic relation to piety is not weight enough to carry the question along with it.

In other cases the rule holds: and by these measures our conscience can be supported in a storm, and be nourished and feasted every day, viz. if we take care:

I. That we avoid every thing that we know to be a sin, whether it be reproached by its natural impurity and unreasonableness, or, without any note of turpitude, it be directly restrained by a law.

2. That we fly every appearance of evil, or likeness of sin.[m]

3. That we fly every occasion or danger of sin.[n]

4. That we avoid all society or communication with sin, or giving countenance and maintenance to

[m] 1 Thess. v. 22.

[n] Matt. xxvi. 58, 69, 70. 1 Cor. vii. 5.

it. By these measures and analogies, if we limit our cases of conscience, we cannot be abused into danger and dishonour.

RULE VII.

It is not lawful to change our practical Sentence about the same Object, while the same Probability remains.

1. A man may change his opinion as he sees cause, or alter the practice upon a new emergent reason; but when all things are equal without and within, a change is not to be made by the man, except it be in such cases in which no law, or vow, or duty, or the interest of a third, is concerned; that is, unless the actions be indifferent in themselves, or innocent in their circumstances, and so not properly considerable in the fears of conscience, in which cases a man's liberty is not to be prejudiced.

2. This stating of the rule does intimate the proper reasons of it, as appears in the following instances: Juan, a priest of Messina, having fasted upon the vespers of a holy day, towards the middle of the night hath a great desire to eat flesh; he, dwelling by the great church, observed that the clocks in the neighbourhood differed half an hour: he watches the first clock that struck midnight; and as soon as it had sounded, he ate his meat, because then he concluded that the ecclesiastical fasting-day was expired, and that, therefore, it was then lawful, by the laws of his church, to eat flesh. But being to consecrate the blessed eucharist the next morning, and obliged to a natural fast before the celebration of the holy sacrament, he changed his computation, and reckoned the day to begin by the later clock; so that the first day ended half an hour before the next day began, and he broke his fast because the eve was past, and yet he accounted that he was fasting, because the holy day was not begun. This was to cozen the law, and if it be translated to more material instances, the evil of it will be more apparent, but in this the unreasonableness is as visible. The like is the case of a gentleman living in the neighbourhood of Rome. Baptista Colonna happened to be in Rome on the three and twentieth of August, which is usually the eve of St. Bartholomew, but there it is kept on the twenty-fourth day: he refused to fast on the ordinary day of the vigils, as he used to do, because in Rome, where he then was, the custom was otherwise; he ate his meals, and resolved to keep it the next day: but on the morrow, being very hungry and desirous of flesh, he changed his sentence, and went out of Rome to the neighbourhood, and kept the feast of St. Bartholomew without the eves. This is to elude the duty, and to run away from the severity of the law, by trifling with the letter.

3. If the case be not complicated with a law, yet it is often infolded with the interest of a third person, and then is not to be changed, but remains invariable. Mævius promised to Sertorius to give him a servant, either Ephodius or Taranta, but resolves to give him Taranta; immediately after the resolution, Ephodius dies, and Mævius tells his friend he is disobliged, because he hath but one, and resolves not to part with Taranta, and it was in his liberty to give him either, and because he will not assign his part in this, it is wholly lost in the other; but this is unfriendly and unjust. To this sort of instance is to be reduced a caution against fraudulency in the matter of vows.

4. Vitellescus vows to fast upon the last of February, but, changing his mind, believes he may commute his fasting for alms; he resolves to break his fast, and to give a ducat to the poor. But when he had new dined, he discourses the question again, and thinks it unlawful to commute, and that he is bound to pay his vow in kind; but the fast is broken; and yet if he refuses, upon this new inquest, to pay his commutation, he is a deceiver of his own soul. For in the present case, if to commute were not lawful, yet it is certain he is not disobliged; and therefore he is to pay his commutation, because it was decreed in the time of a probable conscience; and not being in itself unlawful, though it be now supposed to be insufficient, yet it is to be accounted for, upon the stock of the first resolution of the conscience, because the state of things is not entire; and advantages are not to be taken against religion from the account and stock of our errors or delusions; and if, after this, the conscience be not at rest, it is to be quieted by other actions of repentance and amends.

5. Quest. But here also is to be inquired, whether a man may, to several persons, to serve distinct ends, in themselves lawful and honest, discourse of and persuade both the parts of a probability respectively? Titius woos Orestilla for his wife; she being sickly, and fearful lest she shall have no children, declines it; he, to persuade her, tells her it is very likely she will, and that it will cure her indisposition. But the interest of Titius is to have no children, as being already well stored, and therefore is dissuaded by them that have power over him, not to marry Orestilla. He, to answer their importunity, tells them, it is very likely Orestilla will be barren, and upon that account he marries her because she is sickly, and unlikely to become a mother. The question is, whether this be lawful?

6. I answer, (1.) If he be actually persuaded of that part of the probability when he urges it, and be changed into the other when he persuades the other, there is no question but it is as lawful to say both as one; for they are single affirmatives or negatives, and the time is but accidental to his persuasion; yesterday this, and to-morrow its contrary are alike, while in both, or each of them, his persuasion is hearty and sincere.

7. (2.) If Titius urges both parts severally, and yet remains actually persuaded but of one of them, he may urge them as probable in themselves, disputable, and of indifferent argument and inducement, for so they are. But,

8. (3.) He must not imprint them by the efficacy of his own authority and opinion, nor speak that as

certain which is at most but probable, and to him seems false; for so to do is against ingenuity and christian sincerity; it is to make a lie put on the face of truth and become a craft; it is not honest nor noble, nor agreeing to the spirit of a christian, and is a direct deception on one side, and an indirect prosecution of a lawful end.

RULE VIII.

An Opinion relying upon very slender Probability is not to be followed, except in the Cases of great Necessity, or great Charity.

1. THAT it is not ordinarily to be followed is therefore certain, because it cannot be supposed, but that its contradictory hath greater probability; and either he that follows this trifle, is light of belief, or unreasonable in his choice, or his reason is to him but as eyes to an owl or bat, half-sighted and imperfect; and, at the best, not fit motive to the will. And if it could be lawful to follow every degree of probability, it were perfectly in any man's choice to do almost what he pleased, especially if he meets with an ill counsellor and a witty advocate. For, at this rate, all marriages may be dissolved, all vices excused, upon pretence of some little probable necessity; and drunkenness will be entertained as physic, and fornication as a thing allowed by some vicious persons whose wit is better than their manners; and all books of conscience shall become patrons or "indices" of sins, and teach men what they pretend against, and there shall be no such thing as checks of conscience, because few men sin without some excuse, and it were no excuse, unless it were mingled with some little probabilities; and there were, in very many cases, no rule for conscience but a witty inventor of pretty little inducements, which rather than a man shall want, his enemy will supply to him out of his magazine of fallacies.

2. But that there are some cases, in which it is to be permitted, is therefore certain, because it may be necessary in some circumstances to do so, and in these cases the former impediments cannot intervene, because the cases of necessity or great charity, occurring but seldom, destroy all power or pretence of an easy deception. Anna Murrana was married to her near kinsman, Thomaso Grillo, but supposed him not to be so near. It was afterwards discovered to her, that the propinquity was so great, that the marriage was null and invalid: while this trouble was upon her, there happily comes a discreet old woman, who tells her, that, though it be true that Grillo's father was supposed to have lain with her mother, and that herself was born of that conjunction, yet she herself, being private to the transaction, did put another woman into the place of Murrana's mother, and that her mother was also deceived in the same manner; and though they thought they enjoyed each other, yet they were both cozened into more chaste embraces. Now upon this the question arises, whether or no Murrana may safely rely upon so slight a testimony as the saying of this woman, in a matter of so great difficulty and concernment. Here the case is favourable. Murrana is passionately endeared to Grillo, and, besides her love, hath a tender conscience, and if her marriage be separated, dies at both ends of the evil, both for the evil conjunction, and for the sad separation. This, therefore, is to be presumed security enough for her to continue in her state.

3. Like to this is that of a woman in Brescia. Her husband had been contracted to a woman of Panormo, "per verba de præsenti;" she taking her pleasure upon the sea, is, with her company, surprised by a Turk's man of war, and is reported, first to have been deflowered, and then killed. When the sorrow for this accident had boiled down, the gentleman marries a maid of Brescia, and lives with her some years; after which she hears that his first spouse was not killed, but alive and in sorrow in the isle of Malta, and therefore that herself lived in a state of adultery, because not she, but the woman in Malta, was the true wife to her husband. In this agony of spirit, a mariner comes to her house, and secretly tells her, that this woman was indeed at Malta, but lately dead, and so the impediment was removed. The question now arises, whether, upon the taking away this impediment, it be required that the persons already engaged should contract anew? That a new contract is necessary, is universally believed, and is almost certain (as in its proper place will be made to appear); for the contrary opinion is affirmed but by a very few, and relies but upon trifling motives, requiring only the consent of either of the parties as sufficient for renewing of the contract. But this being but a slender probability, ought not to govern her; she must contract anew by the consent of her husband, as well as by her own act. But now the difficulty arises; for her husband is a vicious man, and hates her, and is weary of her, and wishes her dead; and if she discover the impediment of their marriage, and that it is now taken away, and, therefore, requires him to recontract himself, that the marriage which was innocently begun, may be firm in the progression, and legally valid, and in conscience; she hath great reason to believe that he will take advantage of it, and refuse to join in a new contract. In this case, therefore, because it is necessary she should, some way or other, be relieved, it is lawful for her to follow that little probability of opinion which says, that the consent of one is sufficient for the renovation of the contract. And in this case, all the former inconveniences mentioned before do cease: and this is a case of favour in behalf of an innocent marriage, and in favour of the legitimation of children, and will prevent much evil to them both. So that although this case hath but few degrees of probability from its proper and intrinsical causes, yet by extrinsical and collateral appendages, it is grown favourable, and charitable, and reasonable: it is almost necessary, and, therefore, hath more than the little probabilities of its own account.

4. One case more happens, in which a small probability may be pursued, viz. when the understand-

ing hath not time to consider deeply, and handle the question on all sides; then that which first offers itself, though but mean and weak, yet if it be not against a stronger argument at the same time presented, it may suffice to determine the action; for in case the determination prove to be on the wrong side, yet the ignorance is involuntary and unchosen.

These rules are concerning a conscience that is probable by intrinsical motives, that is, by reason, whether the reason be direct or collateral. But because the conscience is also probably moved in very many cases, by authority, which is an extrinsical motive, this is also to be guided and conducted.

RULE IX.

Multitude of Authors is not ever the most probable Inducement, nor doth it in all Cases make a safe and probable Conscience.

1. Following a multitude is sometimes like the grazing or running of a herd, "Non quo eundum est, sed quo itur," "not where men ought, but where they use to go:" and therefore Justinian,[o] in compiling of the body of the Roman laws, took that which was most reasonable, not that which was most followed; "Sed neque ex multitudine auctorum quod melius et æquius est judicabile: cum possit unius forsan, et deterioris sententia multos et majores aliquâ in parte superare:" "The sentence of one, and of a meaner man, may sometimes outweigh the sayings of a multitude of greater persons." "Nam testibus se, non testimoniis crediturum rescripsit imperator." Sometimes one witness is better than twenty testimonies; that is, one man, good and pious, prudent and disinterested, can give a surer sentence than many men, more crafty and less honest. And in the Nicene council,[p] when the bishops were purposing to dissolve the priests' marriages, Paphnutius did not follow the common vote, but gave them good reason for his single opinion, and they all followed him. This rule is true, and to be practised in the following cases:

2. (1.) When against the common opinion, there is a strong or a very probable reason, then the common opinion is not the more probable: because a reason is an intrinsical, proper, and apportioned motive to the conscience, but human authority, or citation of consenting authors, is but an extrinsical, accidental, and presumptive inducement, and a mere suppletory in the destitution of reason; and therefore Socrates[q] said, "Veritatem in disputando, non ex teste aliquo, sed ex argumento esse ponderandam;" "Truth is to be weighed by argument, not by testimony;" and it is never otherwise, but when men are ruled by prejudice, or want reason to rule them in that particular.—"Tantum opinio præjudicata poterat, ut etiam sine ratione valeret auctoritas," said Cicero.[r] And this is to be extended to all sorts of authors that are not canonical, or Divine. "Meum propositum est antiquos legere, probare singula, retinere quæ bona sunt, et à fide ecclesiæ catholicæ non recedere," said St. Jerome: "My purpose is to read the fathers, to try all things, to retain that only which is good, and never to depart from the faith of the catholic church,"—that is, from the creeds, which all christendom professes. And at another time when himself asked leave, in discourse with St. Austin, "Patiaris me cum talibus errare," "Suffer me to go along with such great men, though to an error," it would not be permitted; but reason was chosen, and the authority neglected. And this course all men have followed when they pleased, and knew they might and ought.

3. (2.) When the multitude of doctors are reducible to a single, or an inconsiderable principle and beginning. Thus an opinion entertained by a whole family and order of clerks, while they either generally do follow, or think themselves bound to follow, the leading man in their own order, is to be reckoned but as a single opinion. The millenary opinion was driven to a head in Papias; the condemning unbaptized infants, in St. Austin, or St. Ambrose; and, therefore, their numerous followers are not to be reckoned into the account. For if they that follow consider it not, the case is evident; if they do, then their reasons are to be weighed, not their authority.

4. (3.) When it is notorious that there is or may be a deception in that number, by reason of some evil ingredient in the production of the opinion; as if it be certain that the opinion was taken up because it serves an interest, the same men having been on the other side when their interest was there. That it is lawful to put heretics or disagreeing persons to death, is generally taught by the followers of Calvin and Beza where they do prevail: and yet no man that lives under them, hath warrant to rely upon their authority in this question, because it is only where and when they have power; themselves having spoken against it in the days of their minority and under persecution. Under the same consideration it is, if there be any other reason against the men, not relating to their manners, but to their manner of entering or continuing in the persuasion.

5. (4.) But when these cautions are provided for, the multitude of authors hath a presumptive authority; that is, when there is no reason against the thing, nor against the men, we may presume upon the multitude of learned men in their proper faculty, that what they teach is good and innocent, and we may proceed to action accordingly. It can never make a conscience sure, but it may be innocent, because it is probable; but he that relies upon authority alone, is governed by chance. Because, if the more be against him, he is prejudiced by multitude; if the fewer be against him, yet they may be the wisest: and whether they be or not, yet a tooth-drawer may sometimes speak a better reason; and one may carry it against multitudes, and neither one nor the other can justly induce a belief, unless they

[o] L. p. ver. Sed neque C. de veteri jure enucleando.
[p] Cap. Nicæna Synodus. dist. 32.
[q] In Protag. Plat.
[r] 1 De nat. Deor.
[s] Vide Liberty of Prophes. sect. 8. Daillé du vrai usage des Pères.

have considered all things; and if I can tell who hath done so, I am myself as well able to answer as they: for he that can judge who speaks best reason, or who is most fit to be trusted in the particular, must be able in himself to consider the particulars by which that judgment is to be made; if he can and does, he hath reason within him, and needs not follow authority alone; if he cannot, then he is governed by chance, and must be in the right or in the wrong, according as it happens. For in many cases both sides have many advocates and abettors, and no man can tell who hath most, and each side says that their opinion is the most commonly received. In Venice there is a law, that any man may kill his father if he be banished; some affirm this also to be lawful where such a law is in force, and they affirm this to be the common opinion. Julius Clarius says that it is the common opinion, that though there be such a law, yet that it is unlawful to do it. It is commonly affirmed that it is lawful for such a banished person to defend himself, and, if he can, in his own defence to kill the invader. It is also a common opinion, that this is as unlawful as for a condemned man to kill his executioner; because no war can be just on both sides. It is very commonly taught, that it is lawful by fraud, by surprise, by treason, to slay the banditti. It is also very commonly taught, that this is absolutely unlawful. Sometimes that which was the common opinion an age ago, is now rarely maintained but by a few persons. It was a common opinion in Tertullian's time, that the souls departed are in outer courts, expecting the revelation of the day of the Lord; in the time of Pope Leo, and Venerable Bede, and after, it was a common opinion that they were taken into the inner courts of heaven. Sometimes the place diversifies the opinion. In Germany and France, the Romanists worship the cross with a religious worship of the lowest kind of their own distinction; but in Spain they worship it with that which they call λατρεία, or the highest kind; and this is commonly done in the several countries respectively. When this, or any thing like this shall happen, unless by reason men be determined, they may draw lots for their opinion. But since the better part is not always the greater, it is left to me to choose which I will; and it is ten to one but I call the men of my own communion or my own acquaintance, "the best;" and it is certain I cannot judge of those, with whom I do not converse.

6. For these and many other concurrent causes, the proceeding is inartificial and casual, and fit to lead the ignorant, but not the learned; and concerning the ignorant he can so little skill to choose his authority, that he must lie under that where he dwells, and where his fortune hath placed him. If he goes any whither else, he hath no excuse, because he hath no sufficient inducement; and where a man cannot go alone, it is best for him to sit still where God's providence hath placed him, and follow the guides provided by the laws of his country where he was born, or where he lives:

Πουλύποδός μοι, τέκνον, ἔχων νόον ———
Τοῖσιν ἐφαρμόζων ὧν καὶ πρὸς δῆμον ἵκηαι. CLEARCH.

Conform yourself to the laws of the people with whom you must abide.

7. This is the most proper way to conduct the ignorant in their cases of conscience, in which themselves have no skill. They must believe one, and if they have a better way to proceed, let them pursue it: if they have not, this is certainly safe, because it is their best: and no man is tied to make use of better than he hath. And if they could fall into error, yet it could not be imputed to them with justice while "bonâ fide" they fall into heresy, and are honestly betrayed. This only is to be added:

8. They must make it as good as they can by inquiry, (according to their circumstances, opportunities, and possibilities,) and by prayers, and by innocent and honest purposes: for these only will secure our way, by means of God's providing. In this case there is no irregularity, because it is the best obedience which can be expressed by subordinate and weak understandings, and there is in it no danger, because the piety and the prayers of the man will obtain God's blessing upon his innocent well-meaning soul. It was well said of Hesiod,

Οὗτος μὲν πανάριστος, ὃς αὐτὸς πάντα νοήσῃ,
[Φρασσάμενος τὰ κ' ἔπειτα καὶ ἐς τέλος ἦσιν ἀμείνω·]
Ἐσθλὸς δ' αὖ κἀκεῖνος, ὃς εὖ εἰπόντι πίθηται·
Ὃς δέ κε μήτ' αὐτὸς νοέῃ, μήτ' ἄλλου ἀκούων
Ἐν θυμῷ βάλληται, ὃδ' αὖ τ' ἀχρῆιος ἀνήρ.

"He is the best and wisest man, who in himself knows what he ought to do, discerning what is best, and seeing unto the end of things. He also is good, who obeys the sayings of wise men, that counsel well; but he is a fool, who, not being able to advise or determine himself, refuses to be conducted by others." Here only are the evils to be complained of.

9. In some places there are a great many articles put into their public confessions, and a great many teachers of unnecessary propositions, and a great many idle and impertinent guides, who multiply questions lest themselves should seem useless; and amongst men, there are many orders, and families, and societies, all which are desirous to advance themselves, and to get disciples and reputation; and on the other side, there are very many that are idle, and rather willing to trust others, than to be troubled themselves; and many choose teachers for interest, and some have men's persons in admiration because of advantage; and princes have designs of state, and they would have religion minister to them: and there are a great many ecclesiastical laws made, and some of these pass into dogmatical propositions, and they "teach for doctrines the commandments of men;" and there are very many sects of men, and confident fools, who use to over-value their trifles, and teach them for necessary truths, and in all this incertainty of things, men are in the dark, and religion is become an art of wrangling; and the writers of controversies are oftentimes abused themselves, and oftener do abuse others; and, therefore, men are taught certain little rules to grope by, and walk in seas and upon rocks. But the things themselves are oftentimes so indifferent,

and the reasons of either side so none at all, or so inconsiderable, that it comes to pass that the testimony of doctors is the guide that men choose (as they list) to follow: who because they teach contrary things cannot be followed by their authority, —and for reason, sometimes themselves have none, sometimes their disciples have not leisure to examine them, or judgment to discern them.

10. Quest. Here, therefore, is to be inquired, How shall the ignorant and vulgar people proceed in such cases, where their teachers are divided?

(1.) I answer, that in most cases it is best for them to let them alone, and let them be divided still, and to follow them in those things where they do agree; but if it be in such cases where they must declare or act on one side, let them take that which they think to be the safest, or the most pious, the most charitable, and the most useful; that so by collateral considerations they may determine that, which by the authority seems equal and indeterminable.

The collateral considerations are commonly these:

1. That which is more agreeable to the letter of Scripture.
2. That which does most agree with the purpose and design of it.
3. That which saints have practised.
4. That which whole nations have approved.
5. That which is agreeable to common life.
6. That which is best for the public.
7. That which is most for the glory of God, for the reputation of his name, and agreeing with his attributes.
8. That which is more holy.
9. That which gives least confidence to sin and sinners.
10. That which is most charitable to others.
11. That which will give least offence.
12. And (in destitution of all things else) that which is most useful to ourselves. All these are good considerations, and some of them intervene in most cases, and can be considered by most men. But where nothing of these can be interwoven in the sentence, but that the authority of the teacher is the only thing that can be considered, the following measures are to be added.

11. (2.) The authority of one man wise and good, that is, who is generally so reputed, is a probable argument, and a sufficient guide to ignorant persons in doubtful matters, where there is no clear or known revelation to the contrary. When it is his best, there is no disputing whether it be good or no: only in this case, he is so far to suspend his consent, till his guide hath considered, or answered deliberately; for if his guide vomit out answers, it is better to refuse it, till it be digested better. This hath been highly abused in some places; and permissions have been given or taken to do acts of vile impiety, or horrible danger, where by interest they were persuaded; and being desirous for some pretence to legitimate the act, or to invite their conscience to it, they have been content with the opinion of one probable doctor. Such was he, whose testimony being required in a matter of right concerning his college, swore to a thing as of his certain knowledge, of which he had no certain knowledge, but a probable conjecture; only because he had read or been told, that one doctor said it was lawful so to do. This is to suborn a sentence, and to betray a conscience; for the sentence of one doctor is only a good or a tolerable guide, when there is no better guide for us, and no reason against us; that is, it is to be used only, when it is the best, but not when it is the worst.

12. (3.) But if divers men equally wise and good speak variously in the question, and that the inquirer cannot be indifferent to both, but must resolve upon one, he is first to follow his parish-priest, rather than a stranger in the article, who is equal in all things else; his own confessor, his own bishop, or the laws and customs of his own country: because, next to reason, comes in place that which in order of things is next to it; that is, the proper advantages of the man, that is, learning and piety; and next to them succeed the accidental advantages of the man, that is, his authority and legal pre-eminence. There is no other reason for these things, but that which is in the proper and natural order of things: this is the natural method of persuasion, direct and indirect.

13. (4.) Where it can certainly be told that it is the more common, there the community of the opinion hath the advantage, and is in the same circumstance still to be preferred; because where reason is not clear and manifest, there we are to go after it, where it is more justly to be presumed. Τά τοι κάλ' ἐν πολλοῖσι κάλλιον λέγειν, said Euripides; "it is good, when good things are attested by may witnesses." ὃ μὲν πᾶσι δοκεῖ, τοῦτο εἶναί φαμὲν, said Aristotle; "that which seems so to all men, this, we say, is as it seems:" and so it is in proportion from some to many, from many to all. The sum of all these things is this: 1. God is to be preferred before man. 2. Our own reason, before the sayings of others. 3. Many, before few. 4. A few, before one. 5. Our superiors, or persons in just authority over us, before private persons, "cæteris paribus." 6. Our own, before strangers. 7. Wise men, before the ignorant. 8. The godly and well meaning, and well reputed, before men of indifferent or worse lives. That is, they must do as well and wisely as they can, and no man is obliged to do better; only this is to be observed:

14. That, in this case, it is not necessary that truth should be found, but it is highly necessary it should be searched for. It may be, it cannot be hit, but it must be aimed at; and therefore they, who are concerned, are not to be troubled and amazed at the variety of opinions that are in the world: "There must be heresies," that is, sects and differing opinions, "that they who are faithful may be approved." Now they can be approved in nothing but what is in their power, that is, diligence to inquire, and honesty in consenting; both which may very well be, and yet the man be mistaken in his particular sentence, in a matter not simply necessary, not plainly revealed.

15. There is but one thing more that concerns

his duty, and that is, that in all his choices he prefer the interest of peace, and of obedience; for it ought to be a very great cause that shall warrant his dissent from authority which is appointed over him. Such causes may be, but the unskilled multitude (of whom we now treat) seldom find those causes, and seldom are able to judge of them; and therefore this rule is certain.

16. Whoever blows a trumpet, and makes a separation from the public, they who follow his authority, and know not, or understand not, a sufficient reason for the doing it, they are highly inexcusable upon this account,—because they, following the less probable authority, have no excuse for the matter of their sin; and, therefore, if it happen to be schism, or rebellion, or disobedience, or heresy in the subject-matter, it is, in the very form of it, so imputed to the consenting person: for, though great reason may be stronger than authority, yet no private authority is greater than the public. But of this I shall have further occasion to discourse in its proper place.

17. Although this is the best, and therefore a sufficient advice for the ignorant, yet for the learned and the wise, there are other considerations to be added:

(1.) They who are to teach others, may not rely upon single testimonies, or the slight probability of one doctor's opinion. This is true ordinarily and regularly, because such persons are supposed more at leisure, more instructed, better able to inquire; and to rely finally upon such single and weak supports, is to do the work of the Lord negligently.

18. (2.) If the opinion be probable upon the account of a more general reception, and be the more common, and allowed by wise and good men, they who are learned, and are to teach others, may lawfully follow the opinion, without examining the reasons for which it is by those wise men entertained. For the work of learning and inquiry is so large, and of immense extension, that it is impossible all men should perfectly inquire of all things: but some especially attend to one thing, some to another: and where men have best considered, they consider for themselves and for others too, and themselves are helped by those others, in the proper matter of their consideration. A man's life is too short, and his abilities less, and it may be, his leisure is least of all, and unable so to consider all that is fit to be believed and taught, that it will be necessary we should help one another; and the great teachers and doctors in several instances may ordinarily be relied upon without danger and inconvenience.

19. (3.) But if it happens, that, by circumstances and accidents, the particular question be drawn out into a new inquiry; if a new doubt arise, or a scandal be feared, or the division of men's minds in the new inquest, then the reasons must be inquired into, and the authority is not sufficient.

1. Because the authority is, by the new doubt, made less probable, and is part of the question: and therefore ought not to be presumed right in its own case.

2. Because the duty of teachers is, by this accident, determined to this special inquiry, and called from their inactive rest, and implicit belief; because the inquirers upon this new account will be determined by nothing but by that reason that shall pretend strongest; and therefore they who are thus called upon, can no other ways "give answer to them that ask." It was the universal doctrine of the church of God for many ages, even for fourteen centuries of years, that episcopacy is of Divine or apostolical institution: it was a sufficient warranty for a parish-priest to teach that doctrine to his parishioners, because he found it taught every where, and questioned no where. But when afterwards this long prescribing truth came to be questioned, and reasons and Scriptures pretended and offered against it, and a schism likely to be commenced upon it, it is not sufficient then to rely upon the bare word of those excellent men, who are able to prove it, as it is supposed; but they who are to teach others, must first be instructed themselves in the particular arguments of probation, that, according to the precepts apostolical, they may "render a reason of the hope that is in them,"[t] and may be able "both to exhort and to convince the gainsayers;"[u] who, because they expressly decline the authority, and the weight of testimony, cannot be convinced but by reason, and the way of their own proceeding.

RULE X.

In following the Authority of Men, no Rule can be antecedently given for the Choice of the Persons, but the Choice is wholly to be conducted by Prudence, and according to the Subject-matter.

1. ANCIENT writers are more venerable, modern writers are more knowing; they might be better witnesses, but these are better judges. Antiquity did teach the millenary opinion; that infants were to be communicated, and that without baptism they were damned to the flames of hell; that angels are corporeal; that the souls of saints did not see God before doomsday; that sins once pardoned did return again upon case of relapse; that persons baptized by heretics were to be rebaptized; and they expounded Scripture, in places innumerable, otherwise than they are at this day, by men of all persuasions: and therefore no company of men will consent that in all cases the fathers are rather to be followed than their successors. They lived in the infancy of christianity, and we in the elder ages; they practised more and knew less, we know more and practise less; passion is for younger years, and for beginning of things: wisdom is by experience, and age, and progression. They were highly to be valued, because, in more imperfect notices, they had the more perfect piety; we are highly to be reproved, that in better discourses we have a most imperfect life, and an unactive religion; they in their cases of conscience took the safest part, but

[t] 1 Pet. iii. 15. [u] Tit. i. 9.

the moderns have chosen the most probable. It was the opinion of the ancient divines and lawyers, that every man is bound to make restitution of all that which he gains by play, by cards and dice, and all such sports as are forbidden by human laws. The modern casuists, indeed, do often reprove the whole process, and condemn the gamesters in most circumstances; but do not believe them tied to restitution, but to penance only. The first is the safer and the severer way; but the latter hath greater reasons, as will appear in its own place. All contracts of usury were generally condemned in the foregoing ages of the church; of late, not only the merchant, but the priest, and the friar, puts out money to increase, and think themselves innocent; and although commonly it happens, that our ignorance and fears represent one opinion to be safe, when the other is more reasonable,—yet, because men will be fearful, and very often are ignorant and idle in their inquiries, there will still remain this advantage to either side, that one is wiser, and the other, in his ignorance, is the more secure, because he does more than he needs. And therefore it often happens, that though we call the ancient writers fathers, yet we use them like children, and think ourselves men rather than them; which is affirmed by some, but in effect practised by every man when he pleases.

2. But if any one shall choose the later writers, he must first choose his interest and his side; I mean, if he chooses to follow any upon their authority or reputation, without consideration of their reasons, then he must first choose his side, for he can never choose his side by the men, because most authors are of it themselves by interest. But because all probability is wholly derived from reason, every authority hath its degree of probability, according as it can be presumed or known to rely upon reason. Now in this both the ancients and the moderns excel each other respectively. "The ancients were nearer to the fountains apostolical; their stream was less puddled; their thread was not fine, but plain and strong; they were troubled with fewer heresies; they were not so wittily mistaken as we have been since; they had better and more firm tradition; they had passed through fewer changes, and had been blended with fewer interests; they were united under one prince, and consequently were not forced to bend their doctrines to the hostile and opposite designs of fighting and crafty kings; their questions were concerning the biggest articles of religion, and therefore such in which they could have more certainty and less deception; their piety was great, their devotion high and pregnant, their discipline regular and sincere, their lives honest, their hearts simple, their zeal was for souls, and the blood of the martyrs made the church irriguous, and the church was then a garden of the fairest flowers, it did daily germinate with blessings from heaven, and saints sprung up, and one saint could know more of the secrets of Christ's kingdom, the mysteriousness of godly wisdom, than a hundred disputing sophisters; and, above all, the church of Rome was then holy and orthodox, humble and charitable, her authority dwelt in the house of its birth; that is, in the advantages of an excellent faith and a holy life; to which the advantages of an accidental authority being added by the imperial seat, she was made able to do all the good she desired, and she desired all that she ought; and the greatness of this advantage we can best judge by feeling those sad effects which have made christendom to groan, since the pope became a temporal prince, and hath possessed the rights of some kings, and hath invaded more, and pretends to all, and is become the great fable, and the great comet of christendom, useless and supreme, high and good for nothing, in respect of what he was at first, and still might have been, if he had severely judged the interest of Jesus Christ to have been his own."

3. But then, on the other side, the modern writers have considered all the arguments and reasons of the ancients: they can more easily add, than their fathers could find out; they can retain their perfect issues, and leave the other upon their hands; and what was begun in conjecture, can either be brought to knowledge, or remanded into the lot and portion of deceptions. "Omnibus enim hic locus feliciter se dedit, et qui præcesserunt, non præripuisse mihi videntur quæ dici poterant, sed aperuisse. Conditio optima ultimi est," said Seneca; "They who went before us, have not prevented us, but opened a door, that we may enter into the recesses of truth; he that comes last, hath the best advantage in the inquiry:"—"Multum egerunt qui ante nos fuerunt, sed non peregerunt: multum adhuc restat operis, multumque restabit: nec ulli nato post mille secula præcludetur occasio aliquid adhuc adjiciendi;"[a] "They who went before us, have done wisely and well in their generations, but they have not done all; much work remains behind, and he that lives a thousand ages hence, shall not complain that there are no hidden truths fit for him to inquire after." There are more worlds to conquer:

> Multa dies variusque labor mutabilis ævi
> Retulit in melius.—— VIRG.

Every day brings a new light, and by hearty and wise labour we improve what our fathers espied, when they peeped through the crevices. Every art, every manufacture was improved,

> Venimus ad summum fortunæ: pingimus, atque
> Psallimus, et luctamur Achivis doctius unctis.
> HORAT. Ep. ii. 1.

The Romans outdid the Greeks, even in things which they were taught in Athens, or on their hills of sport. But to proceed in the comparing the ages: these latter ages have more heresies, but the former had more dangerous; and, although the primitive piety was high and exemplary, yet the effect of that was, that in matters of practice they were more to be followed, but not in questions of speculation; these later ages are indeed diseased, like children that have the rickets, but their upper parts do swell, and their heads are bigger; "sagaciores in dogmate, nequiores in fide;" and if they could be abstracted from the mixtures of interest,

[a] Seneca, Ep. 64.

and the engagement of their party, they are in many things better able to teach the people, than the ancients; that is, they are best able to guide, but not always safest to be followed. If all circumstances were equal, that is, if the later ages were united, and governed, and disinterested, there is no question but they are the best instructors; there is certainly more certain notice of things, and better expositions of Scriptures now than formerly; but because he that is to rely upon the authority of his guide, cannot choose by reasons, he can hardly tell now where to find them upon that account. There is more gold now than before, but it is more allayed in the running, or so hidden in heaps of tinsel, that when men are best pleased now-a-days, they are most commonly cozened.

4. If a man will take the middle ages, he may if he will, and that is all that can be said in it; for there can be no reason for it, but much against it. "Ego sane veteres veneror, et tantis nominibus semper assurgo.[x] Verum inter externa ætatem esse scio, omniaque non esse apud majores meliora;" "I, for my part, do more reverence the ancients, and use to rise up" and bow my head to such reverend names as St. Irenæus, St. Cyprian, Origen, St. Jerome, St. Austin; but I reckon age amongst things that are without, it enters not into the constitution of truth; and this I know, that amongst these ancients, not all their sayings are the best. And on the other side, although antiquity is a gentle prejudice, and hath some authority, though no certainty or infallibility; so I know that novelty is a harder prejudice, and brings along with it no authority, but yet it is not a certain condemnation.

> Quod si tam Graiis novitas invisa fuisset
> Quam nobis, quid nunc esset vetus? aut quid haberet
> Quod legeret tereretque viritim publicus usus?
> HORAT. lib. ii. ep. 1.

If our fathers in religion had refused every exposition of Scripture that was new, we should by this time have had nothing old; but in this case what Martial said of friendships, we may say of truths:

> Nec me, quod novus sum, tibi recuses:
> Omnes hoc veteres tui sodales fuerunt.
> Tu tantum inspice, qui novus paratur,
> An possit fieri vetus sodalis.

Refuse nothing only because it is new.[y] For that which pretends to age now, was once in infancy; only see if this new thing be fit to be entertained, and kept till it be old; that is, as the thing is in itself, not as it is in age, so it is to be valued, and so also are the men; for in this, as in all the other, the subject-matter will help forward to the choice of a guide.

1. The analogy of faith.

2. The piety of a proposition.

3. The safety of it, and its immunity from sin; these are right measures to guess at an article, but these are more intrinsical, and sometimes so difficult, that they cannot be made use of but by those who can judge of reason, and less need to be conducted by authority. But for these other who are wholly to be led by the power and sentence of their guide, besides what hath been already advised;—

4. The faculty and profession of men is much to be regarded; as that we trust divines in matters proper to their cognizance, and lawyers in their faculty; which advice is to be conducted by these measures:—

When the Authority of Divines is to be preferred, when that of Lawyers.

5. (1.) The whole duty of a christian consists in the laws of faith or religion, of sobriety, and of justice; and it is so great a work, that it is no more than needs, that all the orders of wise and learned men should conduct and minister to it. But some portions of our duty are personal, and some are relative, some are private, and some are public; some are limited by the laws of God only, and some also by the laws of men; some are directed by nature, some by use and experience; and to some of these portions contemplative men can give best assistances, and the men of the world and business can give best help in the other necessities. Now, because divines are therefore, in many degrees, separate from an active life, that they may with leisure attend to the conduct of things spiritual, and are chosen as the ministers of mercy, and the great reconcilers of the world, and therefore are forbidden to intermeddle in questions of blood: and because the affairs of the world, in many instances, are so entangled, so unconducing to the affairs of the spirit, so stubborn, that they are hardly to be managed by a meek person, carried on by so much violence, that they are not to be rescued from being injurious but by a violence that is greater but more just; and because the interests of men are complicated and difficult, defended by customs, preserved in records, secured by sentences of judges, and yet admit variety by so many accidents, circumstances, and considerations, as will require the attendance of one whole sort of men, and, of all men in the world, divines are the least fit to be employed in such troubles and contracts, such violences and oppositions, and yet they are so necessary, that without them the government of the world would be infinitely disordered, it is requisite that these should be permitted to a distinct profession. In particular matters of justice, ordinarily, and regularly, lawyers are the most competent judges: in matters of religion and sobriety, the office of divines is so wholly or principally employed, that it ought to be chosen for our guide.

6. (2.) In matters of justice, which are to be conducted by general rules, theology is the best conductress; and the lawyers' skill is but subservient and ministering. The reason for both is the same, because all the general measures of justice are the laws of God, and therefore cognizable by the ministers of religion; but because these general measures, like a great river into little streams, are deduced into little rivulets and particularities by the laws and customs, by the sentences and agreements of men,

[x] Seneca.

[y] Videat lector epist. 19. Sancti Augustini; quæ est ad Hieronymum. et epist. ad Fortunatum.

therefore they must slip from the hands of the spiritual man to the prudent and secular. The divine can condemn all injustice, murder, incest, injurious dealing; but whether all homicide be murder, all marriage of kindred be incest, or taking that which another man possesses be injustice,—must be determined by laws, and the learned in them; and though divines may rule all these cases as well as any of the long robe, yet it is by their prudence, and skill in law, not by the proper notices of theology.

7. (3.) But justice is like a knife, and hath a back and an edge, and there is a letter and a spirit in all laws, and justice itself is to be conducted with piety, and there are modalities, and measures, and manners of doing or suffering in human intercourses, and many things are just which are not necessary, and there are excesses and rigours in justice which are to be moderated, and there are evil and entangling circumstances which make several instances to justle one another; and one must be served first, and another must stay its season; and in paying money there is an "ordo ad animam," and justice is to be done for God's sake, and at some times and in some circumstances for charity's sake; and the law compels to pay him first that requires first; but in conscience, justice is oftentimes to be administered with other measures: so that as prudence sometimes must be called to counsel in the conduct of piety, so must piety oftentimes lead in justice, and justice itself must be sanctified by the word of God and prayer, and will then go on towards heaven, when both robes, like paranymphs attending a virgin in the solemnities of her marriage, helped to lead and to adorn her.

8. (4.) Sometimes human laws and Divine stand face to face and oppose each other, not only in the direct sanction, (which does not often happen,) but very often in the execution. Sometimes obedience to a human law will destroy charity, sometimes justice is against piety, sometimes piety seems less consistent with religion. The church is poor, our parents are necessitous, the fabrics of the houses of prayer are ruinous, and we are not able to make supplies to all these; here what is just, and what is duty,—not the law, but theology will determine. I owe Sempronius a small sum of money; it happens that he comes to demand it when the gatherers of gabels are present to demand an equal sum for taxes; here I am to ask my confessor, not my lawyer, whether of the two must be served, since I cannot pay both: and in this case the ministers of religion are the guards and defensatives of her interest; concerning which, for the present, I only insert this caution; that when religion and justice are in contest, the ministers of religion are not always bound to give sentence on the side of religion, but to consider which is the more necessary, and where the present duty stands; for sometimes it is absolutely necessary to do justice, and actions of particular religion must attend their season. But then even justice turns into religion, and when it does so, theology must conduct her into action.

9. (5.) When the question concerns an interest, relative to either faculty, it is hard choosing the authority on either part, for one judges for itself, and the other against his adversary; that is, in effect they are both judges in their own cause. It is notorious in the church of Rome, where the canonists say, that a canon lawyer is to be preferred before a divine in elections to bishoprics; but you must think, the divines say that themselves are far the fitter. The canonists say that predial tithes are due by Divine right. The divines say they are only due by positive constitution. The secret of that is, because most of the divines that write books, are monks and friars, and such which are no friends to parishes, that the pope may be allowed to have power to take tithes from the parish priests, and give them to the monasteries; which he could not do, if by Divine right they were annexed to their proper cures. Amongst us the tables are turned, and the lawyers take the friars' part, and the divines generally affirm the Divine right of tithes. Concerning which it is to be considered, that though the authority of either part is not of itself sufficient to determine a doubting person, and where interest is apparent, the person persuading loses much of his authority, yet the proposition itself ought not to lose any thing. The interest appearing is no more warrant to disbelieve the proposition, than it is to believe it. In this case there is interest on both sides, and, therefore, as to that the case is indifferent. The way to proceed is to consider the proper instruments of persuasion, and because a truth is not the worse for serving his ends that teaches it, I am to attend to his arguments without any prejudice. But if I am not able to judge of the reasons, but must be led by authority, the presumption lies for the divines: I am to believe them rather than the lawyers in such questions, because there is some religion in doing so, and a relation to God, for whose sake it is, that I choose to obey their proposition.

10. (6.) Where, by the favour of princes or commonwealths, any matters of justice are reserved to ecclesiastical cognizance, in those affairs the authority of divines is to be preferred before that of lawyers, because the personal capacities of the men being equal in all things, the divines are exercised in the same matters, and, therefore, are both concerned and able, instructed and engaged, and though the lawyers are to be supposed honest, and just, and wise, yet all that also is to be supposed in divines, with some advantages of religion, and tenderness which is bred in them by their perpetual conversation with the things of God. But in all things he comes the nearest to a sure way of being guided, who does his best, and with greatest honesty of heart and simplicity of pious desires, to be truly informed. It was well said of Socrates, "An placeant Deo, quæ feci, nescio; hoc certo scio, me sedulo hoc egisse ut placerent:" "The things which I have done, whether they please God or no, I know not; but this I know assuredly, that I did earnestly desire and diligently take care that they might please him."

11. If the question be concerning other divisions of men, as of schoolmen and casuists, critics or preachers, the answer can be no other, but that in all faculties relating to any parts of religion, as there

are very wise men, and very weak men, so there are some to be preferred in each faculty, if we could find out who they are: but this prelation is relative to the men, not to the faculty, if they were rightly handled. For the several faculties are nothing but the proper portion of matter assigned to the consideration of an order of men, in a proper method: but the great end is the same, only the means of persuading the same truth is different. But in the church of Rome they are made several trades, and have distinct principles, and serve special and disunited ends and interests; and therefore, which of them is to be preferred, as to the making a probable opinion, is just to be answered, as if we should ask which is best of feathers or wool; they both of them have their excellencies in order to warmth, and yet if you offer to swallow them down, they will infallibly choke you.

RULE XI.

He that hath given Assent to one part of a probable Opinion, may lawfully depose that Conscience and that Opinion upon Confidence of the Sentence of another.

1. THE curate of St. Martin being sent for to do his last offices to a dying man, finds him speechless, but yet giving signs of his penitence, as beating his breasts, weeping and groaning, holding up his hands, and looking pitifully, and in a penitent posture: the curate having read it, disputed whether such a person may be absolved, concerning whose repentance he can have no other testimony but mute signs, which may be produced by other causes, and finding arguments on both sides, consents to the negative as probable; and yet finding learned persons there who are of another opinion, lays aside the practices of his own opinion, and in compliance with the other, absolves the sick man. One that was present, and understood the whole process, inquires whether he did well or no, as supposing that to do against his own opinion is to do against his conscience; and a man's own conscience "is more to him than ten watchmen that keep a city."

2. In answer to this, it is to be considered there is a double consent to a proposition, the one is direct, the other a reflex; the first is directly terminated upon the honesty or dishonesty of the object, the other upon the manner of it, and modality. For instance, the curate does not directly consent to that part of the question which he hath chosen, as that which he will finally rely upon, but he consents to it only as a thing that is probable. If he were fully persuaded of the article as a thing certain, or as necessary, (though of itself it be not so,)—or if he thinks it is not to be altered, then to do against his opinion were to do against his conscience, because the opinion were passed the region of speculation and ineffective notion, and is become a rule and immediate measure of action. But because he believes it only probable, that is, such, in which he is not certain, but may be deceived, and may use liberty,—he may as well choose that part of the probability which derives from the reputation and abilities of other men, as that which proceeds from considerations of those little intrinsic arguments which moved his assent lightly, like a breath upon the waters, or the smile of an undiscerning infant. His own opinion is well enough concerning the honesty of the object; but yet he that chooses the other part, may make an honest election; for his own opinion reflecting upon itself, not going beyond the stage of uncertainty and probability, does openly challenge its own right of choosing another part: the conscience is no ways entangled and determined, but so chooses that it may choose again, if she sees cause for it,—a cause in the particular case, which she espied not in the abstracted question.

3. For he may prudently suppose, that in what he is not certainly persuaded, another may be wiser and know more, and can judge surer: and if he have reason to think so, it may be a greater reason than that is, by which himself did choose his own opinion and part of the probability; and he may have reason to think meanly of himself, and he may remember sad stories of his frequent deception, and be conscious of his own unaptness to pass an honest unbiassed sentence, and hath no reason to trust himself in matters of proper interest or relation.

4. This rule hath no other variety in it but that it be managed by these cautions.

1. That the man upon whom we rely, be neither ignorant nor vicious, so far as we can judge, and so far as relates to the present question, that is, that he be a person fit to be a guide of others.

2. That relying on others proceed not out of idleness, and impatience to inquire ourselves.

3. That the opinion of the other be not chosen because it better serves my ends or humour, but upon the preceding grounds of humility and mean opinion of myself, and great opinion of the other.

4. That it be only against his own probable persuasion so known, so considered, not against a sure conscience; that is, that it be in such a matter, in which the assent is but imperfect, and relying upon unsure inducements. For then he may as honestly trust the other's prudence as his own weakness, the other's leisure and consideration, as his own want of time and aptness to consider: and since the actions of most men in the world are conducted by the wit of others in very many things, and of all men in some things, it cannot be imprudence to take a guide to direct the conscience in what it is not sufficiently instructed by its own provisions.

5. If the intercourse happen between the superior and the inferior, the liberty of changing our part of the probability is confirmed by a want of liberty to dissent. The subject may change his opinion, because he must obey wherever it is possible that he should; and that is in this case: in which it is not only true that the opinion is probable in itself, but that it and its contrary be both apprehended as probably true, and safely practicable. For then there is no excuse to the man, and the conscience of the article cannot be pretended against the conscience of obedience; and if it be lawful to obey, it is necessary to obey. "Hoc amo quod possum quâlibet ire

via;" every man loves his liberty, but this liberty does engage our obedience; we might not obey our superior if God had engaged us in the contrary; but we may, when we are persuaded that the contrary opinion is probable, that is, conformable to reason, and fit enough to guide him that is not finally determined in his conscience to the contrary. For if it could be otherwise, then there were nothing to be given to authority; for in equal probabilities, it is likely, if I choose one part, I am determined by a little thing, by a trifle, by a chance, by a humour; and if I be weighed down by never such a trifle, yet I am determined to the choice of one side, and it will be but an evil portion to authority, if it cannot be permitted to outweigh a humour, and a chance; an ignorant confidence, or a vain presumption; and although it will be hard sometimes for a man to be convinced of the vanity of his argument, yet when his opinion is not only speculatively but practically probable, that is, when it is considered only as probable, and the contrary altogether, or almost as well thought of, the arguments of the present persuasion are confessed to be but little, because they neither persuade, nor abuse beyond a probability; and therefore, in this case, to outface authority is without pretence, as much as it is without warrant. And this is affirmed by St. Austin[z] in the case of soldiers under a king, taking pay in a cause which either is just, or that they are not sure it is unjust. "Ergo vir justus, si forte etiam sub rege, homine sacrilego, militet, recte potest, illo jubente, bellare, si vice pacis ordinem servis, a quod sibi jubetur, vel non esse contra Dei præceptum certum est, vel utrum sit, certum non est."

6. But if the intercourse happen between a physician and a patient, it is made to differ. For, 1. A physician may not leave a certain way, and take an uncertain, in the question of life or health. In matters of mere opinion, the very persuasion and probability of assent is warrant enough for the man, and the effect is innocent; but when so great an interest is engaged, the man becomes faster bound by the stricter ties of charity. It was a complaint that Pliny made of physicians in his time, "Discunt periculis nostris, et experientiam per mortes agunt, medicoque tantum occidisse impunitas summa est." It is hard that a physician should grow wiser at no cheaper rate than the deaths of many patients. Now to do the thing directly is intolerable, but to do that which is not our best, and which is not safe, when we have by us that which is safe, and which we know is useful, is directly against charity, and justice, and prudence, and the faithfulness of a good man.

But, 2. When a physician hath no better, he may take that course which is probable, for that is his best; he cannot be required to more, and he is excused, because he is required to minister. And this is yet more certain, if the sick person shall die without physic: but it is a venture whether the medicament may prevail for his cure or no. For then all the hazard is on the favourable side, and if it fails, the event is no worse; and it is charity to offer at a cure that is uncertainly good, but is certainly not evil.

3. When the opinions are on both sides probable, he may take that which is in any sense safer, or in any degree, or by any means more probable, that is, for the community of the opinion, or the advantage it hath by the learning and reputation of them that hold it; so that he may leave his own opinion which is overcome by the greater argument, or the greater authority of another, though both the authority be less than that which binds, and the argument less than that which is certain.

[z] Lib. xxii. contra Faustum, cap. 74. et habetur cap. Quid culpatur, 23. qu. 1.

RULE XII.

He that inquires of several Doctors until he find one answering according to his Mind, cannot by that Inquiry make his Conscience safe; but according to the Subject-matter, and other Circumstances, he may.

1. Saint Paul remarks the folly of such men who "heap up teachers of their own," that is, such who preach what they desire, and declare things lawful which God never made so; and he that hath entertained an opinion, and is in love with it, and will seek out for a kind and an indulgent nurse for it, cannot ordinarily be the more secure for the opinion of his guide, because the intrinsic motive of his assent is not his guide, but his own purposes and predisposing thoughts and resolutions; and the getting of a learned man to say so, is but an artifice to quiet the spirit, and make it rest in the deception, if it so happens to be. This determination from without may, possibly, add a fantastic peace, but no moment to the honesty of the persuasion or conscience; because the conscience was not ready to rely upon the authority, but resolved to go somewhere else for an authority, if here it could not be had: and therefore the conscience could not be made probable by the authority, because the resolution of the conscience was antecedent to it.

2. This is true ordinarily and regularly, and there are usually many appendant deceptions; as an impatient desire to have that true which I desire, a willingness to be deceived, a resolution to bring our ends about, a consequent using means of being pleased and cozened, a concealing some circumstances and a false stating of the question, which is an infallible sign of an evil conscience, and a mind resolved upon the conclusion, desirous of a security or sleepy quietness, and incurious of truth. But yet there are some cases in which this changing of guides and inquiries is not only innocent, but an instrument of a just confidence.

3. (1.) When the inquirer hath very probable inducements for his opinion, and remains really unsatisfied in the answers and accounts of the first doctors.

(2.) When he hath an indifferency to any part that may appear true, but it falls out that nothing does seem true to him, but what he hath already entertained.

(3.) When the assent to our own proposition is determined, so as to avoid a real doubt or perplexity, but a scruple remains, that is, some little degrees of confidence are wanting, which cannot be better supplied than by an extrinsical argument, the authority of a wise man.

(4.) When the inquiring person is under a weakness and temptation, and wants some to apply his own notices to him, and to make them operative and persuasive upon his spirit; as it happens to very many men always, and to all men sometimes.

(5.) When the case is favourable and apt for pity and relief, as in the dangers of despair; then the inquirer not only may, but ought to go, till he find a person that can speak comfort to him upon true grounds of Scripture and revelation.

(6.) When the purpose of the inquirer is to be landed upon any virtue, and pious state of life or design, he may receive his encouragement and final determination from him, whom he chooses for his opinion's sake, and conformity to his own pious intentions.

4. The reason of these exceptions is this: Because the matter being just, favourable, and innocent, the man goes right,—and by being confirmed in his way, receives no detriment to his soul or his duty; and because they are tendencies to duty, it is to be presumed that the inquirer intends honestly and piously: and now since the way is secure, and the person well intending, if the instrument of establishing this good course were very incompetent, it might be an imperfection in nature, but not in morality.

RULE XIII.

He that is asked concerning a Case that is on either side probable, may answer against his own Opinion, if the contrary be probable and more safe, or more expedient and favourable.

1. THE reason is, because he that holds an opinion which himself believes only to be probable, knows also there is no necessity in counselling it to another, because it is not certainly true; and he may rather counsel the contrary to another than follow it himself, because himself is already determined, which the other is not, but is indifferent.

2. But why he should rather do so than counsel his own opinion, there is no reason in the thing, but something relating to the person inquiring; as if the opinion which he maintains not, be more agreeable with the other circumstances and necessities. Codrus inquires if he be tied to restitution of all the fruits of a field, which he held in a dubious title. The curate thinks it to be a probable opinion, that he is bound; but because Codrus is poor, or apt to break the bridle of religion if it holds him too hard, he may counsel him according to the opinion of them, that affirm that he is not bound to restitution. If he be asked what his own opinion is, he must not speak contrary to it: but when the question only is asked in order to a resolution, he may point to go that way, where by his own sentence he may be safe, and by reason of the other's necessities he may be more advantaged. The reason of this is, because when two opinions are equally probable, the scales are turned by piety, or charity, or any good thing that is of collateral regard,—and, therefore, makes a greater degree of artificial probability, and is, in such cases, sufficient for determination. For in direct reason, the case is equal, and in the indirect, there is great advantage on the side of charity, or accidental necessity, or compliance with any fair and just interest. Christian religion is the best natured institution in the world.

The like case it is, when the opinion of the curate is such, that the inquirer will probably abuse it to licentiousness and evil mistake; for then the curate may prudently conceal his own sentence, and borrow his brother's candle to light a person that is in danger.

RULE XIV.

When the Guide of Souls is of a different Opinion from his Charge or Penitent, he is not bound to exact Conformity to his own Opinion that is but probable, but may proceed according to the Conscience of the Penitent.

1. THAT is, supposing the opinion of the penitent to be probable, and that he did the action "bonâ fide," and as an act commendable or permitted; he is not to be troubled with what is past, lest that be turned into a scruple which was no sin, and lest the curate judge unrighteous judgment, and prescribe afflictions for that for which God shall never call him to judgment; for in this case it is, that no man can be the judge of another man's conscience.

2. But if the opinion of the penitent be certainly false, or the parent, or protector, or the occasion of a sin, the guide of his soul must not comply at all with it, but discover the error and the danger. He that kills his brother because he is zealous in another opinion, and thinks he does God good service, must not be permitted in his erring conscience, and criminal persuasion; for the matter hath altered the case, and in the relations of duty, the error is always vincible, and, therefore, intolerable: and, therefore, Peter Lombard's mother, upon her deathbed, was admonished to confess her sin in having three children by illegal mixtures, though she was foolishly persuaded it was no sin, because her sons did prove to be such excellent persons, and instruments of Divine glory.

RULE XV.

The Sentence and Arbitrement of a prudent and good man, though it be of itself but probable, yet is more than a probable Warranty to Actions otherwise undeterminable.

"SICUT vir prudens eam definierit," is the great measure, which Aristotle and all the moral philoso-

phers assign to very many cases and questions. If two cases, that seem equally probable, have in them different degrees of safety, that the safest is to be chosen is certain; but oftentimes the sentence and opinion of a good man is the only rule by which we judge concerning safety. When piety and religion are in competition for our present attendance, sometimes piety to our parents is to be preferred, sometimes an action of religion in its own season; but what portion of our services is to be allowed to the one and the other, is, " sicut vir prudens definierit," " according as a good and a prudent man shall determine." To bury the dead is good, to relieve the living poor is ordinarily better; but yet there was a time in which there was a proper season for that, and not for this; and our blessed Saviour commended Mary's devotion and choice in so doing; but when we also may do one or the other, depends upon circumstances and accidents, which are not immediately the subject of laws, but of prudent consideration. Human laws bind the consciences of their subjects, but yet give place to just and charitable causes; but which are competent and sufficient is not expressly and minutely declared, but is to be defined by the moderation and prudence of a good man. That we are to be careful in the conduct of our temporal affairs, in paying of our debts, in making provisions for our children, is certain and confessed: but besides the general measures and limits of carefulness described by our blessed Saviour, our earnestness of prosecution, our acts of provision and labour, are to be esteemed regular or irregular by the sentence of a wise and a good man. The significations of love to our children and nearest relatives, the measures of compliance with the fashions of the world, the degrees of ornament or neglect in clothing, intention of our actions and passions, and their degrees, the use, and necessities, and pretences for omissions in good things, and generally all the accidental appendages of action, are determinable only this way: and a probability is enough to determine us; but that this is the way of introducing the probability is upon this reason; because next to the provision of laws, stands the man who is obedient to laws and understands them, and next to the reason of the law stands the analogy and proportion of those laws; and, therefore, this is the next best to the laws, it stands nearest to reason, is the best guide that is left us, and therefore a proper measure of conscience in the destitution of that which is most proper.

There are many other rules concerning the exercise of a probable conscience, in the cases and questions of kings and priests, of advocates and judges, in matters of sacraments and government, which are to be referred to the place of their proper matter; but this is also to be determined by the rules here assigned, and have no particular consideration, except what merely relates to the matter.

CHAPTER V.

OF A DOUBTFUL CONSCIENCE.

RULE I.

A doubtful Conscience assents to neither Side of the Question, and brings no direct Obligation.

1. The conscience being, in its proper operations, positive and practical; when it is neither, it is not properly and directly conscience; and because it binds to obedience by its determination and assent, and its consequent inclining the will when the understanding is not determined nor the will inclined, there can no action follow, but a total suspension of action is its proper consequent.

2. Upon this there is only a reflex act of conscience and understanding; for by considering that our conscience is doubtful and indeterminable, we are obliged to suspend our action; but then this is the act, not of a doubtful but of a right conscience, because in this we are certain, and right, and determined: so that a doubtful conscience is but an equivocal and improper conscience; like an unresolved will, or an artist with his hands bound behind him; that is, the man hath a conscience, but it is then in chains and fetters, and he wears a hood upon his eye, and his arm in a string, and is only to be taught how to cut the knot, and to do some little things of advantage, or security to his intermedial state of impediment; but a doubtful conscience can be no rule of human actions.

3. But yet some collateral and indirect obligations are passed upon the man by that state of infelicity, according to the nature of the doubt.

4. In order to which, doubts are considered, either as relating to the law, or as relating to matters of fact, viz. whether such a thing be lawful or not? or whether I did such an action or no, by which I am bound to restitution or repentance?

5. Doubts also are negative or positive, that is, they are still upon us, because there is no means to determine the understanding; as no man can ever be resolved whether the number of the stars be even or odd; when is the precise minute in which a man first comes to the use of reason: and this is called a negative doubt. The positive enters by the indifferency of the arguments, and their equal

weight on both sides: as if it be doubted, whether the souls departed enjoy the beatific vision before the day of judgment? whether residence on a benefice be an indispensable precept, or in what cases it obliges not? whether ecclesiastical persons be bound, by justice or by charity, to give all that they can prudently spare to the poor? These are positive doubts, because there are many arguments on either side.

6. The negative doubt is either metaphysical or moral, or it is only a suspicion; that is, these are several degrees of such a doubt, for the determination of which there is no sufficient instrument.

7. Lastly, sometimes a doubt is placed only in the understanding, without any other effect but the trouble of thoughts; and then for method's sake, and right understanding of the rules of practice, it is called a speculative doubt. Sometimes this doubt passes on to the conscience, and hath influence upon the action or event; so as to be an impediment to it, or the spoil of it, that is, so as to cause that it shall not be done, or, if it be done, that it becomes a sin: and this is called a practical doubt.

According to these distinctions, the following rules are useful in order to practice.

RULE II.

A negative Doubt neither binds to Action, nor Inquiry, nor Repentance; but it binds only to Caution and Observance.

1. (1.) "THAT it binds not to action," I affirm upon the same ground, by which the same is affirmed concerning all doubting consciences. It binds from action; for whatsoever is done with a doubting conscience, (that is, without faith, or fulness of persuasion that it is lawful to do it,) is a sin. St. Paul gave us the rule, "Whatsoever is not of faith, is sin."[a] "Quod dubitas, nè feceris," said Cicero. For if we do it with a doubting conscience, we do it without our rule, which is the dictate of our conscience; and since no action is indifferent between lawful and unlawful, (though between good and bad there may,) to do without our rule of lawful and permitted is to do against it, even that which is not permitted, and therefore is unlawful. Add to this,

2. He that does not know whether it be lawful or no, does that which he is not sure but it may be forbidden by God, and displeasing to him: and to do that which I know not but may grieve my friend, or trouble him, cannot consent with my love to him; and therefore every act of a doubting conscience is against charity. In the question of lawful or unlawful, not to know it to be lawful, is to enter upon it with a mind willing to admit the unlawful; it is all one to be in the dark, as to be without a candle or a star, and either of them is as bad, as full of ignorance and obscurity, as if we shut our eyes, or put the candle out. When, therefore, it happens that our conscience doubts whether such an act be a sin or no, a good man will be sure not to sin; but in that case, and while the doubt remains, he can have no security, but by not doing it.

2. (2.) "It binds not to inquiry," because there is no competent means to find out a resolution; for that is the state of the question, that is the definition of a negative doubt. Fabiola doubts whether in her childhood she did ever take God's name in vain; and although she be bound to inquire in all the reasonable and remembered parts of her life, because of them she may find some records, and in that case the doubt is not negative; yet of the state of childhood she cannot be obliged to make inquiry, because there was then no law, no register, no court kept, no judgment, no choice; that is, she cannot be obliged to an effect that is impossible, and to an act that is to no purpose.

3. (3.) "It binds not to repentance:" In case she fears exceedingly, supposing this still to be a negative doubt, that is, such a one, for the proper resolution of which there are no competent arguments or instruments. Fabiola not knowing whether she did or no, and it being impossible afterwards to find it out, Fabiola is not tied to ask forgiveness for the blasphemies of her childhood; for no obligation can come from what is not, or cannot be, known.

4. This is to be understood to be true of that sort of negative doubt which is called metaphysical, when there is no possibility of knowing; as it is impossible to know what little pretty fantasm made us to smile when we hanged upon our mothers' breasts; and the doubt is only founded upon the possibility that the thing might have been, though now it be impossible to find out whether it was or no. It is possible that being a child I might laugh at Scripture, or mock an apostle; but if this could bring an obligation to an act of repentance, then the same obligation passes upon all men in all actions and periods of their lives, for all things, and in all cases in which they do not remember all, or did not observe every circumstance, or did not consider every minute, or weigh every degree. For in every thing there is a possibility that I might have done something very ill.

5. But there is a negative doubt which is called morally negative; that is, when there is no way of being readily and clearly determined, but yet the doubt is founded upon some light conjecture, and no more. I was tempted,—or I had an opportunity,—or an evil thought came cross me,—and I know my own infirmity; and this, according to the degrees of the conjecture, can oblige us to a general and conditional repentance: thus, if I did amiss, God of his mercy impute it not unto me. "I know not, my conscience does not accuse me," so St. Paul, "but I am not hereby justified; God is greater than my conscience." By this set the words of St. John, and they will determine the case: "If our hearts condemn us not, then have we peace towards God;" that is, the doubt in this matter ought to be laid down, if our hearts do not pass sentence against us; but not so wholly but that we may provide against a danger not actually felt: we ought

[a] Rom. xiv. 23.

to be peaceful, but not too confident, when there is any probability of error and deception. The peace is warranted by St. John; the wariness is exemplified in St. Paul.

6. (4.) "It doth bind to caution and observance." Every thing does so, where either there is a danger, or any is suspected, or any is possible, or any ever was: and therefore, for this there needs no peculiar reason, only according to the approach of the negative doubt to any degrees of its being positive; that is, to a probability that it is as we doubt, the observance ought to be stricter, and the caution more severe, which happens in that imperfect kind of imperfection, in suspicion, which is but the image of doubting.

7. For there is yet another sort of doubting, which may be called a privative doubt. Titius is invited to eat with one of another communion. First he checks at it, but because he knows no reason against it, nor indeed did ever dispute, or hear the question disputed, whether it be lawful or no, he goes. The question is, whether he did well or no?

8. Concerning which the case is evident, that whatsoever is not of faith is sin, that is, if it be not done with a persuasion that it is lawful. But if a man be persuaded that he may lawfully do any thing against which he knows no law, no commandment, no reason; this is not a doubting conscience, but a probable, and therefore need not to abate the action. But if this also turn into a doubt, the case is altered. For he that thinks he may not do it, or doubts whether he may or no do a thing for which he hath no command, or no positive and affirmative warrant, and that it is no sufficient reason or warrant for the doing it that he knows nothing against it, unless he also have something for it;—this man, thus persuaded or abused, may not proceed to action. For in this case he hath nothing for it, and one great thing against it, even this proposition,—that a thing is not to be done in such a case,—which is the case of a privative doubt. But for the thing itself, the next rule gives an account of it.

RULE III.

A privative Doubt cannot of itself hinder a Man from acting what he is moved to by an extrinsic Argument, or Inducement that is in itself prudent or innocent.

1. (1.) "It cannot of itself hinder," that is, abstracting from the circumstance of accidental doubting or not doubting. The reason is, because there being no law against it by which he is actually ruled, and no reason appearing in defiance of it, that is, there being no intrinsical dissuasive, the conscience is only left to be conducted or persuaded by the extrinsical.

2. For all actions are left indifferent, till, by a superinduced law, they are restrained; which superinduced law wants its publication, if inculpably I have no notice of it in my conscience. But this is to be allowed with this caution: That this entering upon actions, against which we know no reason or law, be not sudden, and violent, and careless, like the rushing of a horse into a battle without consideration; but that we consider according to our strength, and to our time, whether there be any reasons for or against the act in question, and if we find none, let us make none; that is, let us not, by our unreasonable and impertinent doubting, place a snare for our own feet there, where none is placed by the prohibition.

3. (2.) If it be a matter that concerns the interest of another, let us always be the more wary, and remember, if there be nothing against it, there must be something for it either in the matter or in the manner, either in justice or in charity, or at least by the securities of the safer part, by which, if we find no reward, yet we are sure to find indemnity.

4. This whole advice is of great use in the circumstances of the duty that concerns the married pairs; in which the doctors of cases of conscience have spoken what they please, and in many things wholly by chance or fancy: and the holy state of marriage ought to be rescued from many of their snares and intricacies by which they have troubled it, as will appear when I shall speak to the rules of that affair.

RULE IV.

In Doubts of Right, or Law, we are always bound to inquire; but in Doubts of Fact not always.

1. The reason is, because ignorance of our duty is always a sin; and, therefore, when we are in a perceived, discernible state of danger, he that refuses to inquire after his duty, does not desire to do it.

2. In matters of fact we are bound ordinarily to inquire, because we must not be ignorant of the state of our consciences, and what obligation there is to restitution, or repentance,—which the more particular it is, the more perfect it is. But this I say, that though ordinarily it be true that we are obliged, yet in some cases it may happen, that it is safer to trust the event of things with a general repentance, than that the conscience of some men be tempted with a particular notice of the fact.

3. (1.) This happens in those that are weak-hearted, soft, and apt to every impression in too deep a regard. A Castilian gentleman being new recovered from the sad effects of a melancholy spirit, and an affrighting conscience, and being entertained by some that waited on him with sports and innocent pastimes to divert his scaring thoughts; he with his company shot many arrows in a public field at rovers: at that time there was a man killed, whether by his arrows or no, he knew not, and is forbidden to inquire; and his case had in it reason enough to warrant the advice. The knowledge of it could not have done him so much good, as it would have done him hurt; and it was better he should be permitted to a doubting than to a despairing conscience, as in his case it was too likely to

have happened. It is better to be suspected than to be seen.

4. (2.) This also is so to be advised, when the inquiry into the doubt of fact may be prejudicial to a third person. A priest going to the West Indies, by misfortune wounds one of his company, whom, with much trouble and sorrow, he leaves to be cured of his hurt, but passes on to his voyage, which he finished at a huge distance from the place of his misfortune. The merchants come the next year that way, and he is unwilling to inquire concerning his sick friend; desirous he was to know good of him, but infinitely fearful lest he be dead: consulting, therefore, with his superior in the case, was directed not to inquire, upon this account; because, if the man were dead, the priest would be irregular, and a whole parish unprovided for, and left without rites and sacraments, and public offices, which then and there could not easily be supplied.

5. But in matters of right or duty, inquiry must be made, ever, when the question is of the lawfulness or unlawfulness of what is to be done; because we enter upon danger, and despise our own safety, and are careless of our duty, and not zealous for God, nor yet subjects of conscience, or of the Spirit of God, if we do not well inquire of an action we are to do, whether it be good or bad. But when the act is done, and done with an actual persuasion that it was lawful, the conscience of that person is not easily to be disturbed, which is to be understood with these cautions:

6. (1.) When the question was probable on either side, and, at the time of action, was chosen with its just measures and provisions; then, although the complice or partner of the act do change his opinion, and think himself bound to repent, yet he is not bound to trouble the other. Antony, a gentleman of Parma, being in love with Maria de Rupe, being moved with great interests of his person, and a great necessity, consummates his marriage before publication, they both of them being persuaded that it is lawful. He afterwards changes his opinion, thinks it a sin, and repents and begs pardon; but being also in doubt whether he ought to tell his wife of it, was advised to the contrary, upon this, amongst many other concurrent reasons, because what was innocently done, cannot be condemned in that in which it was innocent: for the man himself ought to be sorrowful for his being deceived, (if he thinks he was,) but he cannot be tied to repent of the act, which, supposing his then present persuasion, was lawful, because done according to a probable conscience: and, therefore, much less ought he to disturb the peace of his wife, whose persuasion remains the same as at first. What was not a sin at first, cannot, in that individual act, become a sin afterwards.

7. (2.) This is also to be understood, when the act leaves no evil effect, or hath done no hurt to a third person; but if it do, then my peace is not to be bought at the expense of another's evil. No man is to be made better or left so, by another's detriment; and, therefore, if a child were begotten in that unripe and hasty consummation, and that child should be declared bastard, then the peace is to be disturbed, and the inquiry on all hands to be curious and busy, because in all such cases there is something of duty for the future concerned in it; sometimes restitution, but always repentance in particular.

8. (3.) This is also true when the fact that is past is not introductive of more and new instances; for if it was the wrong side of the probability which was chosen, and the same kind of action is to return often,—there the conscience, though heartily persuaded, must be awakened from its security by him that believes it to be a sin that was done, and then the interested party must inquire: the reason of this is, because this concerns the future, and all the world, when they enter upon action, must inquire anew, when they have reason to doubt anew, and they may be called upon, and must be better informed by them that can and are concerned. For the honour of God and the interest of his service is in this case concerned, which in the other is not, when it only relates to a single and a past action, which was then lawful, and, therefore, will not afterwards be imputed.

9. (4.) When the person interested does of himself doubt whether the past act was lawful or not, and desires to be satisfied, and that there will be no evil effect in the alteration of his persuasion, then it is fit he be complied with in that which he judges to be for the interest of his soul, for this is certainly the better; the other way of concealing and not inquiring being only permitted in some cases, and with so many cautions and reservations as are before expressed.

RULE V.

In Doubts the safer Part is to be chosen.

1. WHEN the conscience is doubtful, neither part can be chosen till the doubt be laid down; but to choose the safer part is an extrinsical means instrumental to the deposition of the doubt, and changing the conscience from doubtful to probable. This rule, therefore, does properly belong to the probable conscience: for that the conscience is positively doubtful is but accidental to the question and appendant to the person. For the reasons on either side make the conscience probable, unless fear, or some other accident, make the man not able to rest on either side. For in matters of conscience, it is as hard to find a case so equally probable that a man shall find nothing without or within to determine him, as it is to find that which the philosophers call "temperamentum ad pondus," "a constitution so equal that no part shall excel the other." For if there were nothing in the things to distinguish them, yet in the man there is a natural propensity, which will make him love one sort of arguments more than another. What can be more indifferent than to see two dogs fight? and yet no man sees their cruelty, but he wishes better to one than to another: and although no opinions are so very even, yet if they were, the man hath an acqui-

site, or else a natural bias, or something of contingency that will determine him: and if the conscience remains undetermined, so that he may not, or dare not, venture upon either part, it is certainly a disease, or a direct infirmity. And because such persons can do nothing at all, till their doubtful is changed into a probable conscience, this discourse must relate to that conscience that is probable, though, in compliance with the usual ways of speaking, I have placed it here.

2. (1.) The rule, therefore, is to be understood to be good advice, but not necessary in all cases. For when the contrary opinion is the more probable, and this the more safe, to do this is a prudent compliance, either with a timorous or with an ignorant conscience; it is always an effect of piety, and a strong will to good, but very often an effect of a weak understanding; that is, such an one which is inclined to scruple, and dares not trust the truth of his proposition, or God with his soul in the pursuance of it. And, indeed, sometimes there is in this some little suspicion of the event of things, which must needs reflect upon the goodness of God, under whom we fancy we cannot be so safe by pursuing that rule and guide that he hath given us, that is, the best reason, and the fairest inducement, as we may be by relying upon the sureness of the matter. Indeed, we ourselves are so wholly immerged in matter that we are conducted by it, and its relations, in very many things: but we may as well rely upon formalities and spiritual securities (if we understood them) as upon the material; and it is as safe to rely upon the surer side of reason as upon the surer side of the thing. Now that which is the more probable, hath the same advantage in constituting a conscience formally safe, as the other less probable but surer side hath for the making the conscience safe materially.

3. (2.) If the conscience be probable, and so evenly weighed that the determination on either side is difficult, then the safer side is ordinarily to be chosen, because that helps to outweigh and determine the scale; that is, when reason and the proper motives of the question are not sufficient to determine it, let auxiliaries be taken from without; and if the conscience be not made securer by its rule, let it be made safe by the material. It is just as the building of a house. If the architect be not wise and knowing how to secure the fabric by rules of art, and advantages of complication, and the contexture of parts, let him support it with pillars great and massy; for if the other be wanting, these will sustain the roof sure enough, but with some rudeness in the thing, and imperfection in the whole.

4. (3.) If to that, which is the surer side, there be a great inconvenience consequent, the avoiding of that inconvenience, being laid on the opposite even part, will outweigh the consideration of the safety. Quintus Milo commands his servant Anfidius, whom he had taken for the teaching grammar and rhetoric to his children, that he would learn the trade of a shoemaker. Anfidius doubts whether his master, Quintus Milo, hath power to command him to do that which was no part of the employment for which he was entertained, and yet because the thing is of itself lawful and honest, he considers it is the safest course for him to obey, for, certainly, in so doing he sins not: and thus far he is bound, and was in the right. But if to learn that mean trade will dishonour and disable him, make him a fool and contemptible, and ruin his hopes and his interests when he leaves the service of Milo, the servant is not tied to follow that which is more safe, but that which is more charitable and prudent: "In dubiis juris tutior pars sequenda est, et obedire teneor, si commode possim," was the rule: because the reason, abstractedly considered, makes the question safe on either side, as the determination happens; and the avoiding an intolerable inconvenience is as considerable as the accidental security, and in many cases more complying with charity; because in a question, in which the conscience is probable, there is a great safety without taking in the advantage of a safe matter, by the proper efficacy and influence of the reason making a probable and an honest conscience: but then when the safety is provided fairly for otherways, and for the most part sufficiently, and the inconvenience on the other side is not provided for; in all such cases we must leave that, which is materially sure, for the choice of that, which, in its formality, is equally sure, and, in its matter, more charitable. A little child came to my door for alms, of whom I was told he was run from his mother's house, and his own honest employment; but in his wandering he was almost starved: I found that, if I relieved him, he would not return to his mother; if I did not relieve him, he would not be able. I considered, that indeed his soul's interest were more to be regarded and secured than his body, and his sin rather to be prevented than his sickness, and, therefore, not to relieve him seemed at first the greater charity. But when I weighed against these considerations, that his sin is uncertain, and future, and arbitrary, but his need is certain, and present, and natural; that he may choose whether he will sin or no, but cannot, in the present case, choose whether he will perish or no; that if he be not relieved, he dies in his sin, but many things may intervene to reform his vicious inclination; that the natural necessity is extreme, but that he will sin is no way necessary, and hath in it no degrees of unavoidable necessity; and above all, that if he abuses my relief to evil purposes, which I intended not, it is his fault, not mine; but the question being concerning my duty, not his, and that to relieve him is my duty, and not his, and that therefore, if I do not relieve him, the sin is also mine, and not his; and that, by bidding of him to do his duty, I acquit myself on one side, but by bidding him to be warm and fed, I cannot be acquitted on the other; I took that side, which was at least equally sure, and certainly more charitable.

5. This also happens in the matter of justice very often. It is the surer side in many cases to restore, and is a testimony of an honest mind, that, to secure its eternal interest, will quit the temporal. But if to restore will undo a man, and the case is indif-

ferent, or at least probable that he is not bound, then it is not necessary to restore, though to restore be the surer side; and if the interest of a third person, as of wife, or children, be also involved in the question, then the inquiring person is bound not to restore. Because in the present case there is a certain uncharitableness, and but an uncertain justice, that is, a duty certainly omitted, for the securing of another that is not certain.

6. (4.) When the more probable is also the more safe, there is no question but the safer is to be chosen. For so the conscience is made the more sure both materially and formally; that is, by the better reason, and the more advantageous matter; and he that does otherwise, exposes himself to an evident danger of sinning, having nothing to outbalance either the direct reason or the accidental safety.

7. (5.) Sometimes it happens, that what is safe in one regard is dangerous in another, and on each side of the probability there is a danger and a safety. Vittoria Columbina, a Venetian lady, was married to five magnificoes successively; and they all being dead, and she left very rich, young, and tempted to a sixth marriage, advises with her confessor whether or no she may lawfully do it? He tells her, that it is not only probable, but certain that she may; but it were better if she kept her widowhood, and after so much sense of mortality, retire to religion. But that he may determine her case with more certainty, she tells him, she had once resolved with herself to live a widow, but finds she shall not be free from temptation in that state, and desires him to tell her if she may lawfully marry notwithstanding that resolution, which now to be something altered he perceives by her question. He answers, that it is the surest course to determine for chastity and abstinence, her state of widowhood being more certainly pleasing than the other. But then she hints her temptation, and asks, if some sure course is not to be taken for her being secured in that point too? This arrests his thoughts upon a new consideration, but the result is this:

8. (1.) When there are two securities to be provided for, one of the thing, and the other of the person; that of the person is first to be provided for. It is the safer part of the question to determine on the side of chastity or virginity, or widowhood; but this may be the unsafer side to the person, who, if he suffers temptation, is to be provided for by that answer which gives him remedy and ease.

9. (2.) But if it happens that there is danger on either side to the person, that is the surer side which provides against that temptation, which is strongest and most imminent, and which, if it prevails, is of the worst consequence.

10. (3.) This is also to be understood in those cases when temporal life is offered in question against the danger of a sin. Michael Verinus, a young gentleman of Spain, by reason of his living a single life, was pressed with so great inconvenience, that he fell into a lingering and dangerous sickness. The physicians advise him to use his remedy, though he be not married, and being it was in order to his health, which was not else to be recovered, they presumed it lawful, or did not care whether it were or no; but, however, they advise him to it. He doubts of it, and dares not be uncharitable and die for want of remedy, if he might have it, and yet dares not commit an act of uncleanness; but finding on either hand a sin threatening him, and if he flies from a lion he meets a bear,—or is told that a bear is in the way: he at last flies from the evil beast that stood before him, and chooses that way which was evidently the safest, not to his health, but to his salvation; not to his body, but his soul; and chose rather to die, than to do that which he was certainly persuaded to be a sin, and of the other he was not so sure.

> Sola Venus potuit lento succurrere morbo:
> Ne se pollueret, maluit ille mori.

In other things, the prudence of a guide must be his only rule.

The sum is this:

11. (1.) If the doubt be equal and the danger equal, the doubt must be laid aside, or there can be no action consequent: and for the danger, if you choose one, you may choose either, for there is no difference; a dagger or a sword is all one to him that must die by one.

12. (2.) If the doubt be unequal and the danger equal, the resolution must be on that side where there is the most confidence; that is, where the less cause of doubting is apprehended, as if I have but enough to give one alms, and I see two ready to perish, and I can relieve but one; the danger is equal, for "pasce fame morientem; si non pavisti, occidisti," said St. Ambrose; but one is my friend, and the other is a stranger; in this case the doubt is unequal, and I ought to prefer my friend.

13. (3.) If the danger be unequal and the doubt equal, the resolution must be made in compliance with our safety. For there is nothing to weigh down in the doubt, yet there is something to weigh down in the danger, and that is sufficient.

14. (4.) If the doubt be unequal and the danger unequal, there we must take the least danger, though on the least side of the probability, because there can no degree of sin be consented to; and, therefore, when by our own fault or infelicity we must be forced to fall upon one, we must take the less, by the same reason for which we are to refuse all that we can. Mævius Caligarius, a Roman gentleman, and newly converted to christianity, observes that his friend Agricola was pursued by his enemies unto death, and was by them asked concerning him, whether he were in his house or no. He knew he was, but knows also that if he confesses it, he shall die. He doubts whether it be lawful to lie to save his friend's life or no, and cannot resolve whether it be or no, but inclines rather to think it is not lawful. But he considers if it be lawful, then he is guilty of his friend's death, who refused to save him at an innocent charge. But if it be not lawful, he does but tell an officious lie; so long as the doubt remains, he must rather venture upon an uncertain sin in the

officious lie, than the uncertain but greater sin of homicide. These are the cases in which the danger is on both sides.

15. (5.) But if there be danger on one side only, and a doubt on both sides, there is no question but that side is to be chosen, where there is no danger; unless the doubt on one side be contemptible and inconsiderable, and the other not so.

RULE VI.

It is lawful for the Conscience to proceed to Action against a Doubt that is merely speculative.

1. In a sure conscience the speculative and the practical are the same in certain consequence, as I have already[b] proved in its own place; but in a doubting conscience the case is differing. For though it be ordinarily true here also, that he that doubts speculatively does also doubt practically; as if he doubts concerning all usurious contracts, whether it be lawful or no to use any, he doubts all concerning this which himself uses, if it be usurious. But because there may intervene a special case, and that which is true in general may be altered in the particular, it may happen that he may be certain and determined in the particular when he is not so in the general; that is, when the case is special, by privilege, or exemption, or the ceasing of the reason, or by any other special case he may think himself acquitted, when yet the action is culpable in its whole kind.

2. But by a speculative doubt sometimes is meant not the general, but the question abstracted from circumstances; and in this it sometimes happens, that though the conscience doubt concerning the question, yet it does not doubt concerning the practice. Titius is possessed of a field on which he entered by inheritance, and wholly without fraud and violence; but yet upon some supervening notices he afterwards doubts, whether the field be his own by a just title; but because he is informed by his confessor and others on whom he does and may rely, that possession is a collateral title, and that what he so possesses, he may still dwell upon, till it be certain that it is not his own; he rests at quiet in his mind, because possession is stronger than his doubt, though it cannot prevail against demonstration.

3. Mary of Rheims, the wife of a soldier, is told by his captain that her husband was killed at the battle of Pavia; after her year of mourning was expired she marries again to a citizen of Rheims, and cohabits with him two years; after which she is told that her first husband escaped to Tarentum, and there lives in obscurity. Upon this she doubts whether the citizen be really her husband or no; yet living with him he demands her to pay her conjugal duty; she inquires whether during this doubt she may or no, and is answered affirmatively upon the same grounds: the citizen is in possession of the marriage, and this is not to be disturbed by a doubt, but by a certainty, especially since the doubt is but a speculative doubt, not a practical. For it is no good argument to say, I doubt whether this man be my husband or no, therefore if I consent to him I commit adultery; for the presumption lying upon the possessor, though his title be dubious, yet his possession is not, and either of them both are to have a portion in the effect, and therefore the certain possession in a dubious title is to be preferred before a dubious title without possession, and therefore this kind of doubt ought not to hinder the effect of the present duty. For in this case it is not true; the antecedent is doubtful, therefore so is the consequent. For as out of falsehood truth may come, so out of doubts may come certainty. I see a great way off Father Grimaldi moving his lips; I suppose he is disputing, whom yet I was told not to be alive. I argue thus: "He disputes, therefore he is not dead." The consequent is certain, but the antecedent doubtful; so it is in the present case. I doubt whether this woman be and ought to be my wife, but because she is legally so, and so reputed, and in possession, I do infer that therefore I must pay my duty to her, till it be certain that she is not my wife. For though I doubt of the person whether or no she be my wife,—yet I am certain, or I may be certain of this, that he that approaches to her who is in possession of marriage, may do it lawfully; he only does fornicate who approaches to her, of whom I am certain that she is not my wife. But if of this proposition also I doubt, the doubt is practical,—and I may not do it, till by some means the doubt be resolved or laid aside. But so long as it is a question speculative, the action may be determinate and lawful, and introduced upon many accounts.

4. For the fuller manifestation of which secret, because it is of great concernment, and hath influence upon the conscience in many great actions and intercourses of human society, it is remarkable that we cannot argue thus; this man is not "bonæ fidei possessor," a possessor by a just faith, therefore he possesses it "mala fide," by an unjust: so neither does this follow,—this man possesses it not with an evil faith, therefore he possesses it with a good faith. It does neither way follow negatively. But this consequence is good; he is a possessor by a good faith, therefore he does not possess it by an evil. Or, he is a possessor by an evil faith, therefore he does not possess it by a good; it follows either way affirmatively. The reason of the difference is this; if it be good, it cannot be bad,—and if it be bad, it cannot be good; if it be one, it cannot be the other; but it may happen that it may be neither good nor bad, for there is a medium or a third between good and bad faith or honesty of possession; and this consists in a speculative doubt, by which the possessor doubts whether that which is in his hands, be in his right, or belongs to him or to another; and that he who so doubts hath neither good nor bad faith, is expressed by the gloss.[c]

5. The consequent of which is this, that because that he who so doubts, is not "bonæ fidei possessor,"

[b] Ch. 2. Rule 3.

[c] In lib. i. C. de acq. poss. gl. in lib. ii. ff. pro solut. et gl. in lib. iii. sect. generaliter ff. de acq. poss.

therefore he cannot from thence begin to prescribe or to acquire a just title, because of the rule of the law, "Quod ab initio non valuit, progressu temporis valere non debet;" and it cannot by time get strength to walk, which enters into the world without feet; now the doubting conscience is but a lame supporter. But yet because such a conscience, which only hath this speculative doubt, is not "malæ fidei possessor,"—therefore he may lawfully still retain the possession, till the contrary be evicted.

There is this only to be added, that although prescription or other ways of just title cannot begin with a doubting conscience, yet if it entered with a thoroughly persuaded conscience, it may go on, though it be disquieted by a supervening doubt. The reason is, because it having lawful parents of its birth and first production, cannot be killed and destroyed by a suit at law; it began well, and therefore had just principles of its progression; and whatsoever hath the first advantage of just and reasonable, is always to be so presumed till the contrary be proved; a doubt, therefore, may make the man unquiet, and tie him to inquire, but cannot interrupt the possession or the beginning and growing title. Besides the reason, this sentence is confirmed by the concurring testimonies of Bartolus, Imola, Sylvester, Felinus, Balbus, and Johannes Hannibal, under their titles, "de præscriptionibus et usucaptionibus."

6. There are some accidental hardnesses to the conscience which are innocent, and because, besides the even measures of good and evil by lawful and unlawful, there are some paths chalked out to us by necessities, by conveniences, by presumptions, by securities, and other indefinite aims at things, which can sometimes weigh down the best of our imperfect conjectures in some obscure cases, we may as well walk by the light of the stars, and better too, than to walk quite in the dark: and not only the sun is appointed to rule the day, but there are the moon and the stars to govern the night: plain and easy rules make a sure conscience, but the doubtful and the dark must be content with a less light.

7. For, unlearned men are oftentimes beset with the arguments of a talking man, which they cannot answer, but create a speculative doubt, and such as destroys all the certainty of evidence which they had; but if they should not stick to their own conclusion in despite of all the objections, by a certainty of adhesion, they might be disturbed in every thing, and confident in nothing, and might, if they met with a heretic, be fooled out of their religion, and quit the most material parts of their belief. And even the learned have, in many articles, a presumptive assent to their propositions; and if they be made to doubt in their understanding by the opposition of an adversary, they are not instantly to change their practice, but to inquire further. For if after every such doubting, their practice must be insecure or criminal, they might be forced to a lightness greater than that of Egyptian priests: and some men can believe well and dispute ill, but yet their faith must not change at the argument of every sophister. In these cases the practice is made secure by a collateral light, and he is defended from change by reputation and custom, by fear of scandal and the tie of laws, and by many other indirect instruments of determination, which although they cannot outwit the contrary arguments, yet they ought to outweigh the doubt, and guide the will, and rule the conscience in such cases.

8. There is nothing but a weak man may doubt of; but if he be well, he must not change his foot, till it be made certain to him that he is deceived; let him consider what he please, and determine at leisure; let him be swift to hear, but slow to speak, and slower yet in declaring, by his action and changed course, that his doubt hath prevailed upon him. I knew a scholar once, who was a man of a quick apprehension, and easy to receive an objection; who when he read the Roman doctors, was very much of their opinion, and as much against them when he read their adversaries, but kept himself to the religion of his country, concerning which at all times he remembered that there were rare arguments and answers respectively, though he could not then think upon them. There are temptations of faith and opinion, and they are to be resisted sometimes by indirect ways of proceeding, and artifices of the spirit; and sometimes men in sickness are afflicted with doubting and trembling consciences, but yet are supported only with general remembrances; they consider that there are comforts, and excellent promises, and instruments of hope, and wise and holy sayings by which they were nursed up to that height of strength, that they are now able to fight in the dark: if the speculative doubting conscience should always prevail in practice, the ignorant might be abused and miserable in all things, and the learned in most.

RULE VII.

Every Dictate and Judgment of the Conscience, though it be little and less material, is sufficient and may be made use of for the Deposition of a Doubt.

1. EVERY little reason is not sufficient to guide the will, or to make an honest or a probable conscience, as I have proved in the foregoing chapter;[d] but in a doubting conscience, that is, where there are seemingly great reasons of either side, and the conscience not able to determine between them, but hangs like a needle between two loadstones, and can go to neither, because it equally inclines to both; there it is, that any little dictate, that can come on one side and turn the scale, is to be admitted to counsel and to action; for a doubt is a disease in conscience, like an irresolution in action, and is therefore to be removed at any just rate, and any excuse taken rather than have it permitted. For even to wash in Jordan may cure a leprosy, and a glass of wine may ease the infirmities of the stomach; and he is too ceremonious in the matter of life and death, that stands upon punctilios with nature, and will not be cured but by rich medicines. For in

[d] Rule 7.

a doubting conscience the immediate cure is not to choose right, that is the remedy in an erring conscience; but when the disease or evil is doubting or suspension, the remedy is determination; and to effect this, whatsoever is sufficient may be chosen and used.

2. Every conscience that proceeds probably, proceeds honestly, unless by a greater probability it be engaged against the less; now to make a conscience that is probable yet even more probable, a little advantage is sufficient; which is to be understood with these cautions:

3. (1.) When the doubt is equal and the danger alike on either side, then a smaller superfetation of argument will do the work, that is, cure the doubting; for though a little argument is not alone a ground for the action of a wise man, yet a little overplus of reason will take off this calamity of irresolution and trepidation; it is not enough to outweigh any danger, but it can, with the portion of the equal measures which stand on its own side, by its little weight cast the balance.

4. (2.) This is not so easily to be admitted when the judgment of the man is discernibly and perceivably little and not to be trusted, for then the superaddition that is made by him to any part of the doubt, may be as wholly inconsiderable as the doubt itself is troublesome; and though this may make the doubt to be laid aside, as it will also determine such a man in the whole traverse of the question, yet it is the worst remedy of the doubt, and an insufficient introduction of the probability. In this case the doubt is to be laid aside by the advice and authority of some person fit to lead him, rather than by the confidence of his own little superadded impertinency. For indeed it is not good to have the sacredness of a conscience governed by weakness and contingency.

5. (3.) When the doubting person is inconstant, let him not speedily act what he lightly determines by the sudden intervening humour; for he that changes quickly, judges lightly, but fancies strongly, and acts passionately, and repents speedily and often; therefore let such a man when he perceives his own infirmity stop at the gates of action, lest the laying down one doubt multiply many, and he become more miserable in his remedy than in his sickness.

6. In pursuance of this rule it is to be taken care of, that fear be not mistaken for doubt; for there is oftentimes a doubt no where but in the will, and the more slender and weak the judgment is, oftentimes the fear is greater; and sometimes they fear because they fear, and not because they have reason; when therefore the doubt does not rely upon such a reason as can be formed into an argument and discourse, but is an unreasonable trouble, and an infinite nothing; the doubt ought directly to be laid aside, for it is no way considerable, but only that it is a considerable trouble.

[e] Concil. Tolet. 8. Can. 2. temp. Martini P.

RULE VIII.

When two Precepts contrary to each other meet together about the same Question, that is to be preferred which binds most.

1. This rule we learn from the eighth council of Toledo;[e] "Ubi periculi necessitas compulerit, id debemus resolvere, quod minori nexu noscitur obligari. Quid autem ex his levius, quidve sit gravius, pietatis acumine investigemus." The council instances in the keeping wicked oaths and promises; where though the instance be mistaken, and that in the matter of wicked promises the case is not perplexed, and it is no sin to break them, but a sin to keep them; yet upon supposition that the conscience is doubtful whether it be lawful to break them, and whether it be lawful to keep them, and fears a sin on either side, the council hath given a right answer; the evil that is least, is to be chosen. "Etenim dum perjurare compellimur, creatorem quidem offendimus, sed nos tantummodo maculamus. Cum vero noxia promissa complemus, et Dei jussa superbe contemnimus, et proximis impiâ crudelitate nocemus, et nos ipsos crudeliori gladio trucidamus:" "He that having sworn to do an evil turn, breaks his oath, offends God by putting his name to a lie and a villany, and he pollutes his own soul: but he that keeps his oath when he hath so sworn, despises the commandments of God, and hurts his neighbour with an impious cruelty, and destroys himself with a worse." On this side, therefore, there being the more and worse evils than on the other, we must decline furthest from this. For if all evil is to be avoided, then all degrees of evil are; and when we cannot avoid as much as we should, we must avoid as much as we can. We must choose none directly, but when we are forced upon some by our own infelicity or fault; it is the best remedy for the gangrene that we lose our arm or leg: and he that is in the fatal necessity, no otherwise can be permitted to choose a sin, than he is supposed to be desirous to be cut of the stone, when upon any terms he resolves he never will or can endure the torments of the disease. The great reason of this rule is that which was given by Aristotle,[f] ἐν ἀγαθοῦ γὰρ λόγῳ γίνεται τὸ ἔλαττον κακὸν πρὸς τὸ μεῖζον κακόν· ἐστι γὰρ τὸ ἔλαττον κακὸν μᾶλλον αἱρετὸν τοῦ μείζονος· τὸ δὲ αἱρετὸν, ἀγαθὸν, καὶ τὸ μᾶλλον μεῖζον· "the less evil in respect of the greater evil is to be accounted good; because the less evil is rather to be chosen than the greater; and what is in any sense eligible, is in some sense good, and that which is more eligible is a greater good."

2. But it seems something harder to inquire concerning this case when it relates to others: for so it uses to be asked;

Quest. Whether it be lawful to advise, to counsel, to petition, to determine, to make use of the doubt of another, or his necessity, or perplexity, and to call upon him to do that which is a sin? The case is this; Pollio, an intemperate and wanton young

[f] Lib. v. cap. 7. Ethic.

man, falls into adulteries and unnatural lusts; his friend Publius Asinius advises him, not so,—but if he will not leave his vileness, better it is to satisfy his lust by single fornication, and the less harmful complications:

Et quas Euphrates, et quas mihi mittit Orontes,
Me capiant: nolo furta pudica thori. PROPERTIUS.

Whether or no Publius does well in giving this advice, is the question. The reasons of doubting are these: because he that advises evil, is guilty of the sin which he procures; and he that any way consents or induces another to sin, shall be partner in the punishment.

3. To this I answer, that, in the whole intercourse, there are to be considered the formal sin, the material part of the action, and the degrees of the obliquity. The formal part, or the sinfulness, cannot, must not be countenanced, or assisted at all, directly or indirectly; and in the present case it is so far from being countenanced, that it is reduced to as little a proportion as it can, as near to a destruction as the present necessity or perplexity will permit, and it is out of hatred to the obliquity or sinfulness that this lesser way is propounded. Pilate, seeing the Jews resolved to do a spite to the holy and most innocent Jesus, propounded to them a lesser way than murdering him: "I will scourge him, and let him go." Pilate's conscience was not perplexed, though his interest was; and therefore there was no necessity for him to do either, and neither ought he to have propounded the lesser evil, which, it may be, themselves did not design: indeed if they were resolved to do one, he might have persuaded the less, not absolutely, (for nothing could have made that lawful,) but comparatively; that is, rather that than the other, if ye will do one.

4. (2.) But for the material part of the action, if it be already prepared, and the malice known and declared, it is lawful to propound a less instance of the sin without persuading to it; which is to be understood with these cautions:

1. That it be only with a purpose of hindering a greater.

2. When the lesser cannot be hindered, but at least so much must be done by way of redemption. As if Caius resolves to ravish a matron to satisfy his lust, it is lawful to divert his lust upon a common prostitute, who sells her soul for bread; because her malice is always ready and watches for an opportunity, and sins no less, if she wants opportunity which she thirsts after.

3. That it be ever without the prejudice of a third person: as if one of the banditti intends to kill one man, and this happens to be offered to a public and a brave man, it is not lawful to point out his sword to the striking of a mean person to save the other; because, though, in respect of the effect, it be a less evil, yet it is a direct uncharitableness to a third, which can receive no warrant or legitimation by the intention of the propounder; for although he intends that a less evil be done for the public, yet he intends a greater evil to the particular.

4. That it be in a case certainly known where the malice is apparent and declared, and the matter prepared; for thus we see that God, who sees the hearts of men, diverts their prepared malice upon some special matter, which serves the ends of his providence, and verifies the prophecies of God, and so brings his designs to effect, and a certain event by contingent or voluntary instruments. But we may no further imitate this, than we can attain to little portions of the knowledge of men's private and particular purposes.

5. (3.) But as for the degrees of the obliquity or irregularity, it is certain none is to be persuaded or assisted directly, but suffered in the whole, and persuaded in the instance, by way of remedy against the greater, and more intolerable. Thus Moses permitted divorces, that the Jews might not commit open and frequent adulteries, or kill their wives when they grew weary of them. Thus an inconvenience is suffered, rather than a mischief shall be introduced; and some fooleries and weak usages are suffered in some churches, rather than, by reforming them, make the ignorant people think all religion is indifferent: and if all the people of the Greek church did perceive that any of their old customs were fit to be rescinded, they would, upon the same easiness, quit their whole religion, and turn Turks. And though an error is not to be permitted in any church, when it can be peaceably amended, and when it cannot, it is, as often as it can be, peaceably to be discouraged; yet when the necessity is great, and the evil feared is certain, and felt, and is intolerable; it is a sad necessity, but no man can help it, and therefore it must be as it may, —the lesser error is to be endured, till it can be remedied, with a remedy that is not worse than the disease.

6. Quest. Upon this occasion, and for the reducing the rule to practice, and to regulate a case which now-a-days happens too frequently, it is not amiss to inquire concerning the necessities of women married to adulterous and morose vile-natured husbands; whether it be lawful for a wife, out of a desire to live with some degree of a tolerable comfort, to connive at her husband's stolen pleasures, and to permit him quietly to enjoy his folly? and what is a woman's duty, and what were her most prudent course, and manner of deportment?

7. Some of great reputation in the church of God, both of old and later times, put a speedy period to this inquiry, and absolutely condemn it as unlawful for a man or woman to live with their husband or wife respectively, if either of them be notoriously guilty of adultery. Of this opinion was St. Jerome,[g] saying, "That a man is 'sub maledictione si adulteram retineat;' 'under a curse if he retains an adulteress in his embraces.'" And St. Chrysostom,[h] "Sicut crudelis et iniquus est qui castam dimittit, sic fatuus et iniquus, qui retinet meretricem. Patronus enim turpitudinis est, qui celat crimen uxoris;" "As he is cruel and unjust, who puts a chaste wife from him,—so he is unjust and a fool, that keeps a harlot. For he is a patron

[g] In 19. Matth. [h] Caus. 32. q. 1. c. Sicut.

of his wife's turpitude, who conceals his wife's adultery." And this they prove out of Solomon:[1] "Qui tenet adulteram, stultus est;" almost the words which St. Chrysostom uses: "He is a fool that keeps an adulteress:" ἀσεβὴς it is in the Greek LXX. "He is an *ungodly* man." And of the same opinion was Bucer, in the last age, who for his opinion brings two arguments, which are not contemptible. The first is taken from Deuter. xxiv. 4. where God enjoins, that if a man puts away his wife, he must at no hand receive her again, "quia ipsa polluta est," "she is defiled," meaning, if any man else hath lain with her; and if this be a good reason, it will conclude stronger, that if she have committed adultery, she may not be entertained, because, in that case, she is much more polluted; and where the reason of the commandment does intervene, there also the obligation does go along. But the other is yet more considerable; for if God commanded that the adulteress should be stoned to death, certainly he much rather intended she should be turned out of doors. To which I add this consideration, that since an adulterer is made one flesh with the harlot with whom he mingles impure embraces, it follows that he hath dissolved the union which he had with his wife, or she with her husband; for he cannot be one with his wife, and one with the harlot, and yet he be one in himself, and they two, for that is a perfect contradiction; for that which is one with two, is not one but two. Now for a woman to lie with a man, or a man with a woman, between whom there is not a just and legitimate union, seems to be an unjust and illegitimate uniting; and, therefore, it cannot be lawful to lie with an adulterer, who is one with a harlot.

8. Before I come to the resolution of the question, I must describe how much these arguments do prove and infer: because, though they do not prove so much as their contrivers do intend, yet they do something towards the whole question. 1. The words of St. Jerome infer nothing but this, "That to live with a harlot is a great calamity, and a horrible curse, and it cannot indeed tend towards a blessing, or end well, or be at all endured, if it be not intended to purposes beyond the proper effect of that calamity." He that is smitten with a leprosy, or he that is hanged upon a tree, is accursed; but if the leprosy makes a man run to God, or to Christ, or the man that dies upon a tree does confess and glorify God, and by his death intends to do so, the leper shall be presented pure before the throne of grace; and he that hangs upon the tree, does die with Christ, and shall reign with him for ever. 2. And the design expressed in the words of St. Chrysostom, do verify this commentary upon the words of Jerome. For St. Chrysostom, charging not only infelicity, as the other does, but folly and cruelty upon him who retains a harlot, gives this reason,—because he is a patron of his wife's turpitude if he conceals it;—meaning it, if he conceals it out of carelessness and positive neglect, or, which is worse, out of interest, or base designs. All wise and good men in the world condemn the fact of Cato, who did lend his wife Marcia, a virtuous and a chaste matron, to his friend Hortensius. He that conceals his wife's crime, with an unwillingness to reform it, or a pleasure in the sin, or the fruits of it, is his wife's betrayer and murderer; nay, he is an adulterer to his own wife. But these words cannot be true in all cases; for he that conceals her shame, lest the discovery should make her impudent, and harden her face, he is no patron of the sin, but a careful guardian, watching lest she should commit a worse. And this also is the meaning of the words of Solomon; for although they are not at all in our Bibles, because they are not found in the Hebrew text, yet the words,—which are found in the Greek LXX and in the vulgar Latin, and which are certainly in the Bibles which St. Jerome and St. Chrysostom did use, and which were the cause and original of their opinion,—have in them this sense, "That as he who expels a good woman, thrusts good from his house, so he that does not thrust an evil woman thence, an adulteress, he is a fool;" meaning, if he connives at her wickedness, or unless he have something to sweeten the sufferance, or some pious purposes to sanctify his action. But if it were absolutely unlawful, then the adulteress were a person of a desperate fortune, irremediable and irrecoverable, incapable of mercy, or repentance; or if she were, yet her husband's charity and forgiveness might by no means be instrumental to it; and yet St. Paul, in a case that was extremely bad, even in the case of infidelity, asks, "Quî scis, mulier, an virum sis lucratura?" "What knowest thou, O woman, whether thou mayest gain thy husband?" But the arguments of Bucer, being intended directly against the lawfulness of retaining an adulteress, or living with an adulterous husband, are to have distinct answers. For although where a commandment is given with a reason, wherever the same reason is, it does not always follow that there is the same obligation; because, although God is sometimes pleased to give a reason for the precept, yet the reason did not bind without the precept, but the precept does bind without a reason, which demonstrates that the obligation proceeds wholly from the authority of God, and not from the reason (as I intended to show more largely in its proper place): yet besides this I say, the reason is not rightly rendered in the usual translations: "Non poterit prior maritus recipere, quia polluta est;" "The first husband may not receive her, because she is defiled." For the words in the Hebrew are אשר חמאה which do not signify "because she is polluted," but "quia facta est polluere se," because she is made to defile herself;" meaning, "that because her first husband thrust her out, and offered her to be humbled by him that would, he, being the cause of that pollution, hath lost all right to her, and the privilege of restitution." And then this case refers not to a simple adultery, but to him who betrays or exposes his wife to adultery: and indeed such a person might not, in Moses's law, receive her again; and this was the case of Cato and Socrates, who were very free in lending their wives, as a man lends a utensil. As

[1] Prov. xviii. 22.

for the case of lapidation, it is true, the woman, if she were legally convicted, was to die; but the husband was not bound to accuse her,—he might pardon her if he pleased, and conceal the fact; he might pardon her for his share, as Christ did the woman taken in adultery; or put her away privately, as Joseph, upon a mistake, intended to do the blessed Virgin-mother: but that it is, therefore, unlawful to retain her whom his soul loves, whom he would fain convert, whom he desires and hopes to reform, or that God did intend the good man should not use any of his charity and kindness to any such purpose, is not at all to be concluded by these arguments. Now as to the last, the adulterous man is one with the harlot, but this union is not a natural union, but a spiritual and legal, as appears by the effect of second and third marriages; for one person can no more be one naturally with two or three successively, than he can be one with many at one time; and when the patriarchs were married to divers women at once, they were not naturally one with them all, but legally they were; that is, they were conjoined in holy bands, and were to very many purposes to be reckoned but as one. Ἓν γάρ εἰσιν ἀνὴρ καὶ γυνὴ τῇ φύσει, τῇ συμπνοίᾳ, τῇ ἑνώσει, τῇ διαθέσει, τῷ βίῳ, τῷ τρόπῳ, κεχωρισμένοι δὲ εἰσι τῷ σχήματι καὶ τῷ ἀριθμῷ, said Clemens; They were one person by union of affection, they had one bed, one purse, one interest, community of children, communication of bodies, equal rights as to the power of marriage, the same band of duty, tied by the same mystery. Now he, or she, that commits adultery, breaks this union, and divides or imparts some of the rights due to each other to an impure person, and they become one flesh in an impure mixture. Now, because he or she that first breaks this union, loses their own right by invading or giving away another's, therefore the offending person may be put away, and refused in their petition of right, which they have lost by doing wrong. But the adultery hath not so united the offending persons, but that the union can and may better be broke, and the erring party reduced to his rule, and to his right. For it is but a legal, and it is a spiritual or intellectual union, which is to be done not by material, but by moral instruments, which can eternally return, and be effective when they do. The way then being thus far made straight, I answer,

9. That it is not only lawful, but may have in it great piety and great charity, for a woman still to cohabit with an adulterous husband. The lawfulness appears, in that there is no prohibition by a Divine commandment, no natural uncleanness in it; and this appears as all other negative pretences can, even by evacuating the pretences made to the contrary. Of this opinion was St. Basil, who also made a canon for it, and commanded it to be done in his church, as appears in his Epistle to Amphilochius I. Can. 9 and 21. The same also was the sentence of St. Austin to Pollentius, and in his book "de Adulterinis Conjugiis;"[k] and of Pope Pelagius, in his epistle to Melleus, his subdeacon. But they, it seems, went against the general stream; for they were not only forced to dispute it, but also to limit the question and the permission. For David received his wife Michal, who had lived with another man; and St. Paul advises the wife to be reconciled to her husband; and Christ forgave the woman taken in adultery; and God not only is ready to forgive, but calls and invites his church to return to his love, though she hath been an adulteress, and committed fornication against him. But, therefore, so may a man; but it ought only to be done in case the sinning person does repent: only St. Basil is for the living still with the adulterer, though he wallow in his sin; but does not think it fit the man should be tied to do so to his adulterous wife. That he or she respectively may, if they will, still live with the sinning person, needs no other proof but this, that the innocent, being also the injured person, may forgive the injury done to them; and that it may have in it great piety, and great charity, is certain upon the same account, on which it can be piety and charity to suffer injuries, to be patient, to have a long-suffering spirit, to exhort, to entreat, to bring the sinner to repentance, to convert a soul, to save a sinner from the evil of his way. But this is to be practised with the following measures and cautions:

10. (1.) The innocent person must not be bound to do this, because, the union being dissolved, the criminal hath lost his right, and therefore if the other use their liberty, they do no wrong; and although it may be good charity in many instances to do it, yet because there is no direct obligation in any, and there may be great uncharitableness to one's self, as the case may happen, no one's liberty is to be prejudiced in this particular, but they are to be exhorted to all instances of charity; ever remembering that saying of God by the prophet, "The Lord God of Israel saith, He hateth putting away."[l]

11. (2.) The innocent person may lawfully retain the criminal, though he or she have no other end or purpose in it, but the love of the person, or the retaining of their own rights temporal, or any other thing that is in itself honest and lawful: and the reason is, because the fault of the one is not to prejudice the other; and it is misery enough to be injured in their direct relation, and not that this injury compel them to receive another. If Titius be an adulterer, his wife, Caia, hath not lost her power over his body, or her interest in his family and fortune.

12. (3.) This is to last as long as there are any hopes of repentance, and the repentance is to be procured and endeavoured by all direct means, and by all the indirect means which are ministered to the innocent person by the power and advantages which his or her innocence gives over the guiltiness of the other: such as are, reproving his fault, denying conjugal rights, delating the person, bringing him or her to private shame, procuring reproof from spiritual superiors or natural relatives, and

[k] Lib. iii.

[l] Malachi ii. 16.

indeed any thing that can be prudent, and by which the offender can be made better, and will not be made worse.

13. (4.) If there be no hopes of repentance, yet still the innocent person may use their own right, not only because there may be possibilities, and real consequent events when we have no hopes; and St. Paul's question, —"Quid scis, ô mulier?" "How knowest thou, O woman, whether thou shalt gain thy husband?" —may still have place; not only, I say, for this reason, but for the foregoing; the innocent person does not lose his or her right, and therefore, may still possess what otherwise she might quit: and his incontinence does not oblige her to be exposed to the danger of a πύρωσις or ustulation, nor to be reproached with the noises of divorce, nor offered to an actual poverty, or derelict, or to become an actual widow before death.

14. (5.) If the retaining the adulteress be actually scandalous, the church in that case hath been more restrained in her permission, and hath commanded the innocent person to put the offending woman away: and therefore the fathers, in the council of Eliberis,[m] refused to give the communion to a clergyman even at the last, if he did not, "statim projicere," "instantly expel" from his house his wife, whom he knew to commit adultery; and in the council of Neo-Cæsarea, he was to be deposed from his dignity in the same case; the reason is given by the council of Eliberis;[n] "Ne ab his, qui exemplum bonæ conversationis esse debent, videantur magisteria scelerum procedere;" "lest their houses, which ought to be the examples of piety and chastity, become the precedents and warranty of uncleanness." This is nothing else but a pursuance of the canon apostolical,[o] requiring that bishops and deacons should be such "who rule their own houses well;" for if they cannot do that, it is not easy to be supposed they can well rule the church of God: and though a good man may have an evil wife, and such a one whom no prudence can govern; yet if she be an adulteress, he can put her away, though he cannot govern her: and indeed all such reproaches ought to be infinitely removed from the houses of those, whose lives and whose governments ought to be exemplar. "Oportet suspicionem abesse à Cæsaris domo." Princes and prelates ought not to have any thing under their roof so nearly relating to them, that can justly be suspected. But this is matter of decency and fittingness, not of indispensable necessity.

15. (6.) The innocent person must not directly, by any compliance, cohabitation, or indulgence, give countenance or encouragement to the impurity or crimes of the offending relative; for nothing can make it tolerable or lawful, to promote a sin, or any ways directly to cooperate toward it. This is a "species lenocinii," a being a bawd to the uncleanness of that person, whom, with our lives, we ought to rescue from that damnation, if we could. And, therefore, if the woman finds her husband grow worse by her toleration and sufferance, she is to go off from it by such degrees as are on this side the extreme remedy, which I reckoned before in the third caution; and if nothing else hinder, it is not only excusable, but hugely charitable, and in a very great degree commendable to be divorced. For she uses her own power, and therefore sins not, and does it when nothing else can prevail; and therefore she is not rash, or light and inquisitive after new relations, and she does it that she may not patronize or increase his sin, and therefore is charitable to his better interest.

16. (7.) But if his or her compliance and cohabitation does accidentally make the offending party worse, yet if it be besides the intention, and against the purpose, and contrary to the endeavours of the innocent; he or she, in that case, is not tied to relinquish their right and their advantages in the present possession or cohabitation. 1. Because concerning accidental events, against which we labour, no man is to give account. 2. Because of this accidental event, the offending person is the only author, and the innocent is not to suffer for his sin. 3. If the innocent person were tied to depart, then it were at any time in the power of the adulterer or adulteress to be divorced from the innocent, because he, growing worse by the other's being good, can oblige the other to quit him of the burden which he hates. 4. Because to depart in that case is no remedy. Because he that is vile, may grow worse by contrary causes; and as wicked men are made presumptuous by mercies, and hardened by judgments, and whether they be punished or not punished, from both they take occasion to persevere; so may an adulterer, or an adulteress, by being sweetly used, or by being harshly. All that can be of duty and necessity in this case, is that the innocent person, with all prudent advice and caution, do not, by any direct act, encourage the crime,—or connive at it when it can be helped,—or commend it when it cannot,—or refuse to use any fair or any just instrument of curing the leper: and for the rest, let them pray earnestly, frequently, humbly, and leave the event to God. It is lawful to permit or suffer an evil, which I cannot help, and by that permission retain my own rights, or prevent my own wrongs; but it is at no hand lawful for any interest spiritual or temporal to do an evil, or to set it directly forward.

17. Thus some commonwealths permit fornication and public stews, to prevent the horrid consequents of the lusts of their young men, which, when they cannot cure, they seek to lessen and divert; and though there be, in the whole, many evil appendages, and a great fault in government, and many evil and avoidable necessities introduced or supposed: yet so far as this intention is considered, if it were not avoidable or remediable by the severity of laws, and the wisdom of discourses, and the excellencies of religion, it were the only charity that were left, and an after-game of conscience and religion; sad and fatal to those whose folly infers it; but all that is left, that can be done for God and for souls.

18. But yet this thing, in all the circumstances, is not to be done at all, because it is a snare to many who have no such necessities, who are otherwise

[m] C. 65. [n] A. 8. [o] 1 Tim. iii. 4, 5.

curable, who enter into the temptation, because it is made ready to their hand; and it is a high scandal to the laws and to the religion of a country, where such vile nests of impurity are suffered; and the necessity is but fantastic, accidental, and inferred by evil customs, or some secular interest, or weaker regard; for there is no necessity that men must either debauch matrons or be fornicators; let them marry, for that is the remedy which God hath appointed, and he knows best how to satisfy and provide for all the needs of mankind. But it is objected, "the laws of Italy forbid the younger brothers of great families to marry." That is it which I said; men make necessities of their own, and then find ways to satisfy them, which, therefore, cannot be warranted by that necessity, because that necessity is of their own procuring, not from God, nor for him. For this is the case; an evil is to be cured, and a greater prevented; God hath appointed marriage for a remedy, the civil power forbids it to some persons, who, for want of that, must fornicate, or do worse. To prevent the worse, they provide them of opportunities of doing the less. But what remedy is there for the less? That is not thought of; for marriage is inconvenient to younger families; but it is very convenient for their souls, and they also would be provided for, as being no contemptible interest. Here, therefore, if they would alter the necessities which worldly interest introduced, if they would prefer souls before the greatness of families, heaven before a marquesate in Sardinia, and would esteem it more honour to a house to have chastity preserved rather than wealth, and an entire inheritance, the weak pretences of excuse for stews would be hissed off from the face of all christian countries; for if fornication be a remedy against unnatural lusts, it is just as being poisoned is an antidote against hanging; but, certainly, there is a better: innocence or pardon will prevent it with more advantage, and so will marriage do to the worst evils of lust; unless no health is considerable which is not effected by a witch, and ease is to be despised if it be brought with a blessing. But if any one can pretend, that marriage will not secure the Italians or hot Spaniards from attempting intolerable vileness; (besides that fornication will do less, as having in it no more of natural remedy, and not so much by way of blessing;) in this case, the wheel or the gallies, hard labour and the mines, the rods and axes, must pare off the luxury.

This, therefore, is the result, as to this particular instance. In the questions of greater or lesser uncleannesses, permissions are not to be made by public authority, for the reasons before named: but there may be particular necessities in single instances which will run into present evil, for which no remedy can be provided; and then it is lawful to divert the malice upon a less matter, when it cannot be taken off entirely: for thus righteous Lot[p] offered his daughters to the impure Sodomites, to redeem the strangers from the violation intended them, and to hinder his citizens from breaking the laws of nature and hospitality, which (if they were not always) yet then they were of greater obligation than the restraints of simple fornication. And to this purpose is that of St. Chrysostom,[q] who, to a man that is accustomed to swear, and cannot avoid it, advises that he should rather swear by his head than by God. I do not, I confess, like the instance; both, 1. Because it is, in some cases, worse to swear by a creature than by the Creator; it is an honour done to him to swear by him, though to do it triflingly is such an honour done to him, as superstition is an honour that angers him: and, 2. Also because he that can pretend his swearing to be unavoidable, does say so, because he does swear when he cannot deliberate; and if he does not consider, he can never make use of his advice to do one rather than another; for no man can choose that cannot consider; but as for the prime intention of the advice, that the least evil is to be chosen, or advised, it is, without question, safe and prudent.

Of the same purpose are these words of St. Austin:[r] "Si decrevisti homicidium aut adulterium facere, adulterium committe, non homicidium:" "If thou wilt murder or commit adultery, do this, not that;" that is, rather this than that. But neither here am I pleased with the instance; because, when any man can lawfully be diverted to a less sin, it must be in the same kind; because the same lust cannot be filled with a differing object; and if the temptation be such that it cannot be taken off wholly from that scene, and changed to a differing and disparate matter, he can as well be turned to something that is innocent as to some other distinct vice; that is, he may for all his temptation. From unnatural lusts to natural, from the greater kind to the less, from adultery to fornication, from fornication to trifling amours and Platonic fooleries; from murder to a blow, from a blow to an angry word; these are proper diminutions, which are in a direct order to the retrenching of the sin: but from murder to adultery a man is not to be diverted, because this is not a direct lessening of the degrees of sin, but a changing it into equal; or if it be not, yet the malice is more extended, if not intended, and the man is directly tempted to be a devil upon a new score, for it must be a new malice that must change him; but still the advice is, in its main design, safe and innocent.

But of the same mind is St. Gregory,[s] affirming it to be good advice, that when of two sins one must be chosen, that the least be it; but his proof of it is not to be suffered: for "so," saith he, "for the avoiding fornication, St. Paul permits marriage;" which saying of his, without great violence to the words, and charity to the man, can never be reconciled with the truth of Scriptures, or the honour of marriage; but as for the main advice, it is well, and agreeable to right reason.

19. But besides the cautions already given,[t] relating to the material part of sin, the whole affair is to be conducted with these provisions:

20. (1.) No man may use this course, by en-

[p] S. Ambr. lib. i. c. 6. de Patriarch. Abraham.
[q] Hom. 27. ad Pop. Antiochen.
[r] De Adulterin. Conjug. lib. i. c. 15.
[s] Moral. lib. xxxii. c. 18. [t] No. 4.

gaging in a present lesser evil, to seek to prevent a greater that is to come: the reason is, because this is a securing of evil, it is an assurance and a certain gain to the interest of sin, and this certainly may outweigh the greater degree of an uncertain evil; and there are many acts of providence which may intervene and prevent the future evil, which, therefore, is not to be prevented by a present evil, though less mischievous,—because possibly it may be hindered at a cheaper rate; and no little evil is to be done, but when either itself or a greater is unavoidable; which happens not (for aught we know) in the present case; for before to-morrow the man may die, or his affections to sin may die, or he may be sick, or scared, and to put it off as long as we can, is one kind of diminution and lessening of the sin, which is the thing here consulted of.

21. (2.) Care must be taken, that, by this means, no man's sin be promoted, no man's eternal interest be lessened, no evil be done that we could and ought to forbid and hinder; and that of this we have a moral certainty, or at least no probable cause to doubt: the reason is, because if we put any man's soul to hazard, by procuring a less damnation to an evil person, the evil we do is greater than good; and we venture one mischief, for the venture or hopes of lessening another. Quintus Milvius, being in love with the wife of Muræna, and she with him, —Milvius resolves to kill his wife, Virginia, and run away with the wife of Muræna, or force her from him; he acquaints his freed-man, Priscus Calvus, with his purpose, but he, to divert his purpose of murder and adultery, persuades his patron, Milvius, rather to lie with Muræna's wife now, than to do such things of hazard, and evil voice, and dishonour: and his advice was charitable, and prevailed; for though the adultery was future, yet the intended murder was present, and the evil was lessened as much as it could, and no man prejudiced, but the life of one saved. But if he believes, that by this act Virginia will be so exasperated, that she will turn adulteress in revenge, or kill her husband; this is not to be advised upon the foregoing reason. If a rich usurer refuses to give an alms to a starved person, he may be advised rather to lend him some money upon interest, than suffer him to die for want of bread: but if I believe, or probably suppose or suspect, that another man will be confirmed in the uncharitableness, and think because I advise him to this, he does well in it, and will live and die in this opinion, then I may not, at the charge of another man's soul, do the other wicked person that small advantage, which is less than can countervail the other evil.

22. (3.) He that advises the lesser evil for the avoiding of a greater, must not advise any thing so to serve his own interest or humour, as that he shall in any sense be delighted with the evil, because so he becomes guilty of the other's sin, and then he cannot do a thing lawfully, if it asperses him with guilt; and he may not serve another's need with his own evil joys; and the interest of souls is not set forward when one dies to make another less sick. But besides this, the question here being whether it be lawful to advise a less evil for avoiding of a greater, though it be affirmed to be so, when it is wholly for the avoiding the greater; yet it cannot be lawful to give such advice to serve my own lower ends: nothing but the former can legitimate such an advice, and therefore this latter cannot.

23. (4.) No man must make use of this course himself; for though it be lawful to divert a greater evil by advising the less to others, yet I may not myself choose a less, that I may not choose a greater; for if this could be lawful, it would be in the power of any man to sin what sin he pleased, and to threaten his conscience into a leave: for if he should resolve he would either kill the father, or lie with the daughter, be unnatural in his lusts, or loose in his entertainments, he might legitimate every lesser sin for fear of the greater. But therefore it is certain, that when he can choose either, he must choose none, for nothing can make it lawful, directly to choose any, even the least evil. But when it so happens that the conscience is doubtful and perplexed, and that in this sad conjunction of evil and weak thoughts, it seems unavoidable but that one must be chosen, we may then incline to that which hath least danger and least mischief. And this advice was given by the chancellor of Paris:[u] "Si sub electione proponuntur duo mala, cave neutrum eligas: Nam in malis quid est eligendum? At vero si culpâ nostrâ eò recidimus, ut necesse sit alterum ex peccatis fieri, minus est acceptandum; quia jam in comparatione deterioris, sortitur boni, secundum quid, rationem." No sin is to be chosen when both can be avoided, but when they cannot, the least is to be suffered. But when this comes to be another man's case that he will not avoid both, though he sins in choosing any, yet he that advises him rather to take the less, does not sin. He that chooses the less, sins less, but yet sins, because he should choose none at all; but he that advises him to choose the less, sins not at all, because he hinders all sin as much as he can.

24. (5.) He that advises a less sin for the prevention of a greater, must see, that it be directly less, and certainly so; it must be in the same matter and kind, and in a less degree, because he can no otherwise be certain that he hath done any good at all, and may do a greater evil. For in degrees of sin the case is clear when the matter or instance is the same; but if it be specifically different, or in the whole kind, all question of degrees is infinitely uncertain, and therefore the rule is not without danger practicable in such cases. But of this I have already given some accounts in the fifth number of this rule.

25. But because all this discourse relies upon this main ground, that the lesser evil in respect of the greater hath the nature of good, and therefore is to be preferred; or (which is all one) the avoiding of the greater evil is directly a good, and the suffering the less evil is better than suffering the other, yet because it is but comparatively good, it is positively evil; here it is to be inquired, whether this can be lawful, or is it not a prevaricating of the apostle's

[u] Gerson. tract. 8. in Magnif. num. 88. lit. F.

rule, that "evil is not to be done, that good may come of it?" and whether this may be done in any case, and by what cautions it can be permitted or made legitimate? This inquiry hath great uses in the whole life of men; and therefore is not unworthy a stricter search.

26. And first as to the present rule, it is certain, that this permission is not a doing evil that good may come of it: 1. Because no evil is at all permitted when all can be avoided. 2. Because no man is to act this rule in his own person, upon whom we may and ought to have a power of persuasion and effort sufficient to cause himself to decline all evil. 3. It is only permitted to be advised to others by such persons who hate all sin, and have neither pleasure nor interest in any. 4. It is not a giving leave to any sin, but a hindering as much as can be hindered. It is not a doing any thing at all of kindness to any thing but to the man. It is like that permission which the sons of Israel gave to the remnant of the Canaanites, to live in the land, because they could not destroy them all. They killed as many as they could, and it was not kindness but necessity that left those few alive. And the thing was not ill expressed by Petrarch,[x] "Duobus aut pluribus ex malis minus malum eligendum esse non video, cum minus malum haud dubie malum sit, qualiter mali electio sit laudanda. Itaque rectius dici reor, majora mala majori studio vitanda, ut si vitari cuncta non possunt, minora facilius tolerentur, non electione, sed patientiâ, æquanimitate, modestiâ:" "Of two evils the least is not to be chosen, since that the less evil is without all doubt an evil. Thus therefore I suppose we ought to say; the greater evils are with greater care to be avoided, that if all cannot be declined, the less may be better tolerated, not by choice, but by patience." Now though it be not lawful to do evil for a good end, yet it is lawful to suffer evil to avoid a greater, and to make the best of it that we can; which was the counsel which Cicero[y] says he received from learned men; "Non solum ex malis minima oportere eligere; sed etiam excerpere ex iis ipsis, si quid inesset boni."

27. But to the thing itself, there can be no dispute but that it is highly unlawful to do evil for a good end; St. Paul's[z] words are decretory and passionate in the thing: he calls it slander, or blasphemy, that they reported it of him that he should say, "It was lawful to do evil that good might come of it;" he also affirms, that though the greatness of the sins of the Jews or gentiles did magnify the greatness of the Divine mercy, yet they whose sins accidentally thus served the glorification of God, their damnation was just. Though this be clear and certain, yet I doubt not but all the world does evil that good may come of it; and though all men are of St. Paul's opinion, yet all men do not blame themselves when they do against it. I will therefore first represent the matters of fact, and then consider of the allays or excuses to which men pretend in their private accounts or public answers, and so separate the certain from the uncertain, and establish the proper measures of the proposition.

28. For first if we look in Scripture, we shall find that divers eminently holy have served God by strange violences of fact, and for his glory have laid hold upon instruments not fit to be handled, but such which would have cut the hands of a christian, if they had been drawn through them. David gave order to Hushai to enrol himself in the rebel party; —and to deal falsely with Absalom, that he might do good to David; and indeed so do all spies, which, if they were not necessary, would not be used in all armies; and if they be, yet they do that which honest men would scruple at. Elias[a] the prophet, that he might bring the people from idolatry, caused a sacrifice to Baal to be made, and the idol to be invocated, which of itself was simply and absolutely evil; and Jehu (though a much worse man) yet proclaimed an assembly for Baal, and both of them did it that they might destroy the priests of Baal, and dishonour the idol, and do honour to God, and both did well; and for aught appears, so did the ten men of Shechem, who, to redeem their lives from the fury of Ishmael, discovered the secret treasures of the nation:[b] and amongst the christians some women, particularly Pelagia and her daughters, have drowned themselves to prevent the worst evil of being deflowered. And is it not necessary in all governments, that by violence peace should be established, and by great examples of an intolerable justice others should be made afraid? For so do all princes knowingly procure their rights by doing wrong; for, in all wars, the innocent must suffer that the guilty may be punished: and besides that all great examples have in them something of iniquity,—it were not easy to have discipline in private governments, or coercitive power in laws, if in some cases some evil were not to be permitted to be done for the procuring some good. For suppose Corippus hath an obstinate servant, so perverse, that like the sides of elephants his very soul grows hard by stripes, and that Corippus knows this; yet if he have other servants who will be corrupted by the impunity of this, he may, he must do evil to the obstinate, and ruin his soul for the preserving the others. And, indeed, if we consider how sad, how intolerable an evil it is that a malefactor is snatched from his scene of evil and vile actions, and hurried to hell with his sins about him, and that for the only reason of doing good to others, and preserving the public interest, it will seem necessary that this interest be preserved, and, therefore, that the other instrument be employed; for it is natural enough, that as truth comes from falsehood, so should good from evil; it is not an accidental or contingent product, but sometimes natural and proper; and as God brings good out of evil by his almighty power, so do good men by the nature of the thing; and then the intermedial evil to a wise and religious person is like unhandsome and ill-tasted physic, it is against nature in the taking and in its operating,

[x] Lib. v. epist. rerum senilium. [y] Offic. lib. iii. [z] Rom. iii. 8.

[a] 1 Kings xviii. 25. [b] Jerem. xiv.

but for the preservation of nature in the effect and consequent; so are some evils against religion but useful for its advancement. And this very similitude supplies many particulars of the same nature. For thus we make children vain-glorious that they may love noble things; and who can govern prudently and wisely that resolves never to be angry? and to be angry so as to do the work of government, though it be not bigger than the measures of the governor, yet they exceed the measures of the man. Thus for physic it is affirmed to be lawful for a man to be drunk: and Cardinal Tolet[c] allows of voluntary desires of pollution, when without it we cannot have our health; and yet to desire such pollution without such a good purpose is certainly criminal; and if, for the interest of health, evil may be done, much more for religion and effects of holiness. But thus, I said, it must happen in public governments: the christians that dwell in China, Japan, and in the Indies, cannot transact their affairs with the heathens without oaths, and therefore they make them swear by their own false gods, by the names of their idols and devils, which only they think binding, and neither could there be any security of faith to princes or to subjects, that is, in the public or private intercourse, without it; and yet without question as to swear by devils and false deities is a high crime, so to require or to procure it is a great sin, and yet it is done for necessity. The Romans would not trust the Jews that would swear by the temple of Jupiter:

Ecce negas, jurasque mihi per templa Tonantis:
Non credo: jura, verpe, per Anchialum. Mart.

no trust was given, unless they swore by the God whom they feared; and so it is in the case of others; and what is necessary, it were very strange if it might not be permitted. And what else can be the meaning of dispensations, but that a thing which is otherwise unlawful, is made good by its ministering to a good end; that is, it is lawful to do evil, to break a law, and leave is given to do so, when it is necessary, or when it is charitable. Upon this account it is that prescription does transfer a right, and confirms the putative and presumed, in defiance of the legal and proper, and this is for no other reason but to prevent uncertainties in title, and eternal contentions, which is a certain doing injury to the right owner, that good may be procured or evil pretended. When a man is in extreme necessity, the distinctions of dominion do cease; and when David and his soldiers were hungry, they ate the shew-bread which God forbad to all but to the priests; and so did the apostles, to satisfy their hunger, break the sabbath by pulling and rubbing the ears of corn; and in the defence of a man's own life it is lawful to kill another: which is certainly a doing evil for a good end: and if it be said, that this is not a doing evil, because the end makes it not to be evil, this is a plain confessing the question against the words of St. Paul; for if the good end makes that to be lawful, which of itself, without that end, is unlawful, then we may conclude against St. Paul, that it is good to do evil that good may come; that is, it is changed by the end and by the design. And upon an equal stock of necessity it is, that all princes think themselves excused, if by inferring a war they go to lessen their growing neighbours; but this is a doing wrong to prevent a mischief; as the birds in Plutarch,[d] that beat the cuckoo for fear that in time she should become a hawk. And this is certain in the matters of omission, though to omit a duty be simply evil, yet when it is necessary, it is also lawful, and when it is charitable, it is lawful. Thus religion yields to charity, and charity to justice, and justice itself to necessity, and a man is not bound to pay his debts, when to do so will take from him his natural support. And it is thus also in commissions; who will not tell a harmless lie to save the life of his friend, of his child, of himself, of a good and brave man? and to govern children and fools by saying false things, no man makes a scruple: and physicians are commended, if with a witty lie they can cozen melancholic and hypochondriacal men into a cure. Thus the man of Athens, who fancied, if he should make water, he should drown the city, was cured by his physician's ingenious fiction that the city was on fire, and desiring him to quench it with his urine, lest water should be wanting in that great necessity, struck his fancy luckily, and prevailed upon him to do that which no direct persuasion could effect. Thus Hercules de Saxonia having committed to his charge a melancholic man, who supposing himself to be the prophet Elias would needs fast forty days, dressed a fellow like an angel, who pretending that he brought him meat from heaven, prevailed upon him to receive both food and physic. This lie was charitable, and if it was not therefore innocent, then some charity can be criminal; but if it was innocent, it was made so wholly by the good end, which sanctified the evil instrument. Thus also judges exact oaths from contradicting parts, though they know that one is perjured, but yet he proceeds by such means to guess at truth and satisfy the solemnities of law. And when the judges themselves are corrupt, we think it fit to give them bribes to make them do justice, who, otherwise, would for bribes do injustice; and yet we suppose we are no more to be reproved than they are who pay interest money to the usurers and bankers whom yet themselves believe to sin. But bribery is a sin, and bribery in a wrong cause is two or three; and therefore let the cause be what it will, it is no way tolerable but that it is for a good end. Thus we venture into danger to serve worthy designs; some read heretical books to be able to confute them; and some venture into persecutions which they could avoid, because they would not weaken the hands of such who cannot avoid it; and yet, to go to danger is not safe, and therefore against charity, and therefore a sin; and yet it is for charity and faith, even when it is against one of them And last of all, all men do, and they believe they may, make addresses to a tyrant for justice, and though he sits on the bench by wrong, yet we stoop to his purple, and kiss his rods and axes, when we desire to be defended from the oppression of a lesser tyrant; and if this be not a doing evil that good may

[c] Lib. v. c. 13.

[d] Lib. vi. Apophth.

come of it, then it is no evil to make another do an act of usurped power, or to bend to a power which destroys that to which we are bound by the oath of God.

29. These instances I have not brought in opposition of the apostle's rule, or that I think any man else pretends any of these in defiance of it,—but to represent that either a great part of mankind does it when they least think of it, or that some things which seem evil are not so; and that I may describe the measures of these things, and establish the case of conscience upon its just limits and rule.

30. (1.) Therefore it is to be observed, that the facts of men living under a law, are not to be measured by laws of a differing government, and, therefore, if the facts of worthy men were exemplary, (of which in its proper place I am to give accounts,) yet the facts of saints in the Old Testament would not be safe examples to us in the New; and therefore we may not do that which Hushai did, for he did well, that is, against nothing of the law under which he stood; but if the simplicity and ingenuity of our law gives us our measures, the effect will be, that Hushai did not do evil for a good end, but did well to a good purpose. And as to the thing itself, it is very likely that it is lawful to abuse his credulity, whose life I may lawfully take; the cautions and limits of which permission belong not to this present inquiry.

31. (2.) The rules of war, and the measures of public interest, are not to be estimated by private measures; and, therefore, because this is unlawful in private intercourses, it must not be concluded to be evil in the public. For human affairs are so intricate and entangled, our rules so imperfect, so many necessities supervene, and our power is so limited, and our knowledge so little, and our provisions so short-sighted, that those things which are, in private, evils, may be public goods: and, therefore, in this question, the evil and the good are to be in the same kind; a private evil is not to be done for the procuring of a private good, but for a public it may: not that evil may be done for any thing, but that here it is not evil, when it is measured by the public standard. For, since God is the fountain of government, he also gives authority to all such propositions, which are necessary means of its support, —not to all which pretend to it, or which are inferred by folly or ambition, but which are really such. War cannot be made as a man corrects his child, with even degrees of anger, and a just number of stripes, and equalities of punishment both to the person and to the offence; and kings are in the place of God, who strikes whole nations, and towns, and villages; and war is the rod of God in the hands of princes; but the evils which are intermedial to the greater purposes of a just war, are such which are unavoidable in themselves, and besides the intentions of good kings; and, therefore, in such cases, though much evil is suffered because it is unavoidable, yet none is done of choice, and that makes not against the rule. For,

32. (3.) In many of the instances objected, the evils which are the ways of procuring good, are not evils in morality, but in nature; and then it is lawful, when there is no malice in the design, to prevent the sin, or to do a good office by a shrewd turn. Thus I may pull my friend out of a pool by a strained arm, and save his life by putting his arm out of joint; and this is a doing evil materially, with a pious purpose, that is, without malice, and for a good end, and that is innocent and charitable when it is unavoidable,—but it is not to be chosen, and done with delight, or evil intent, or perfect election; to do evil to a man in this case is besides the man's intention, it is accidental also to the whole event, it is not so much as giving unpleasing physic, not so much as imposing cupping glasses and using scarifications; for this is voluntary and chosen for a good end, because the good cannot else well be procured, and yet it is chosen upon those terms by the patient. Upon this account a man may give his life for his friend, or wish himself dead; and St. Paul wished himself "accursed for his brethren," and Moses desired to be blotted out of the book of life in zeal for the people of God; and yet all this is a very great charity, because though a man may not do evil, yet he may suffer evil for a good end; he may not procure it, but he may undergo it; and after all, the doing of a natural or physical evil may be permitted when there is no motive but charity, for then it is in no sense forbidden; sometimes necessary and unavoidable, but no ways evil or criminal; and if it be, it becomes so by accident, or by the intertexture of some other ingredient.

33. (4.) When the evils are subordinate or relative, the less may be done to prevent the greater, though they be not in the same matter; as a child may be beaten to prevent a sin, an offender smitten to make him diligent: for these actions, though they are in the accounts of evil things, yet have no intrinsical irregularity, but wholly depend upon the end; but because commonly evil things are done to evil purposes, and with irregular measures, they have an ill name, but they can be changed when the end is made straight, and the measures temperate. Every thing that is not intrinsically evil, if it be directed to a good end, is good, unless it be spoiled by some intervening accident.

34. (5.) Some things are evils properly and naturally, some by accident, some by our own faults, some by the faults of others. An action may be innocent as from me, and yet a very great evil by the fault of others: a malefactor put to death, it may be, perishes eternally; if he does, it is his own fault, the laws are innocent when they smite him for the good of others; and this is not a doing evil that good may come of it; for in things not essentially and unalterably evil, good and evil are in relations, and though the smiting some sinners produce a very evil effect, yet it is only to be imputed to its own cause. There is a good and an evil in many things, and God and the devil have their share of the thing, and so have several persons, according as they intend, and as they operate: and in this case, the laws intend good, and do that which is good, that is, they punish a malefactor; but of the accidental damnation, the sinner that suffers only, is

the only cause; and therefore in this, and many like cases of public transaction, there is no evil done for a good end. Thus, if any man who is to take an oath, be wicked and false, the law may exact the oath because that is good, but the law itself may use a false oath if the man will swear it, but then the falseness is the man's that swears, not the law that exacts it. For to many products there are many concurrent causes, which are not integral, but have each their share; and when causes are not integral, the portion of effect is to be applied only by intention of the agent, and the proportion and order to the end: indeed, if the whole effect were to be imputed entirely to every concurrent agent, (as in murder, every man is principal and integral,) then, in many of the fore-alleged cases, evil were done for a good end; but then it could not be lawful so to do: but the actions are therefore innocent to some agents, because they do nothing of it but the good share, that which they ought to do; and that which spoils it, comes in at another door.

35. (6.) Some laws of God are such that their rectitude is so perfect, the holiness so entire, the usefulness so universal, the instance so fitted for all cases, and the economy of it so handsome and wise that it never interferes with any other duty, is never complicated with contradicting matter, or cross interests; now these are such which no case can alter, which no man may prevaricate,—or, if they do, they are such which no measure can extenuate, which no end can sanctify: and these are either laws of general reason, and common sanction; or spiritual instances, and abstracted from matter. Thus no man may blaspheme God at any time, or for any end, or in any degree; and in these cases it was rightly said in the objections, that if the end can change the instrument, then it is not evil to do any thing for a good end, because the end makes the evil to be good. But then in other cases, where the instances are material, tied up with the accidents of chance, made changeable by relations, tied in several parts by several duties, filled with various capacities,—there the good and the evil are like colours of a dove's neck, differing by several aspects and postures; there abstractions are to be made, and separations of part from part, of capacity from capacity; and when every man provides concerning his share of influence into the effect, all is well,—and if one fails, it may be evil is done to the whole production; but it is not imputed to them who took care of their own proportions. But in such kinds of actions, the limits and measures are extrinsical and accidental, and the goodness is not essential, natural and original; and, therefore, the whole receives variety by necessities, and by charity. For whatsoever can be necessary by a necessity of God's making, that is lawful; and I may serve any greater necessity by any thing that is less necessary, when both necessities cannot be served. Thus David's eating the shew-bread, and the apostles' eating corn on the sabbath, served a greater need than could have been secured by superstitious or importunate abstinence. In positive and temporary commands there is no obligation, but when they consist with higher duties; "Actus imperati unius virtutis non debent præjudicare actibus elicitis alterius." The proper and natural actions of one virtue are ever to be preferred before the instrumental acts of another. As an act of temperance must be preferred before a posture in worshipping; charity, before fasting or before ceremonies: that is, the more necessary before the less. It is more necessary to save the life of a man, than to say my prayers at any one time, and therefore I may leave my prayers in the midst, and run to save a man from drowning. This is a thing which cannot stay,—the other can. For in all such precepts of affirmative duty, there is a secret condition annexed, and they oblige not when they cross a negative. And it is certain there could be no usefulness of knowing the degrees of good or evil, if it were not for prelation and election of one before another. To what purpose were it that we are told, "Obedience is better than sacrifice," but that we should neglect one and do the other, when both cannot stand together? and this order of degrees is the full ground of dispensations, when they can be allowed in Divine commandments: but in human dispensations there is another, even the want of foresight, the imperfection of the laws themselves which cannot provide for all cases beforehand, as God's laws can; and therefore, to dispense with a subject in a human law is not a doing evil for a good end; for to break a human law is not intrinsically an evil, though no express leave be given, as the case may happen: but when leave is given, as it is in dispensations, then there is no evil at all. And something like this, is that other case of prescriptions, which does indeed transfer a right from a right owner, as it may happen, but this is a doing good and not evil, for it is a preferring a certain possession before an uncertain right; or it is a doing a greater good, that is, a prelation of a title which hath more evidence and public advantage than the other. Besides, it is done by public consent, in which because every particular is included, there is no evil done, but much is prevented.

36. (7.) In actions the material part is to be distinguished from the formality, the work from the affection: that may be wholly indifferent, when this may be wholly criminal. He that drinks till he vomits, by the physician's advice, gives none of his affection to the pleasure of any thing forbidden; he takes it as he takes a potion or pills, which may have the same effect with drink. But when the material part cannot be done without the sense of pleasure which is forbidden, then the end cannot sanctify it: and therefore, although to drink much for physic may be lawful, yet pollution may not be desired for health, because that cannot be done or suffered without an unlawful pleasure; and so also will drinking for health become vicious, if, in the acting of the material part, any part of our affections be stolen away, and the pleasure of the excess be delighted in.

37. (8.) He that makes use of the matter of a sin already prepared to which he gives no consent, and which he cannot help, does not do evil for a good end. Thus the prophet called on the priests of

Baal to do what they used to do, that they might never do so again: he was no way the cause of a sin, but of its circumstances and adjuncts, that it be done here and now, and this is not against the apostle's rule; time and place are no sins, and make none, unless frequency be added to the time, and holiness to a place,—and then they may add degrees or new instances to the sin; but when neither of these is procured or injured respectively, it is lawful to glorify God by using the prepared sin to good purposes. When a judge is ready to receive money upon any terms, out of this evil we may bring good, and cause him to do a good thing rather than a bad: he does neither well, but that is his own fault; but to give money is a thing indifferent, and to give it for that end which is good, makes it better: and bribery is a word of an ill sound when it means an evil thing, but when it means well we may find a better word for it, or mean well by this: though concerning the particular, it is not amongst men esteemed certain, that it is lawful to give money to a judge: "Sed si dedi," says Ulpian, "ut secundum me in bonâ causâ judex pronunciaret, est quidem relatum condictioni locum esse: sed hic quoque crimen contrahit. Judicem enim corrumpere videtur: et non ita pridem imperator noster constituit litem eum perdere." Whether it be lawful or no is to be inquired in another place; but as to the present inquiry, if it be lawful, I have accounted for it already; if it be not, it is not to be done, no, not for justice' sake. For in this case we no way consent to the evil, but endeavour to bring good out of that evil which is already in being. Thus we run to a tyrant power for justice, he will govern whether we will or no, the sin will be acted and continued upon his own account; but when the evil matter is thus made ready, we may reap as much good by it as we can bring out of it; and in this sense is that true and applicable to the present which is urged in the objection, that as truth may come from falsehood, so may evil from good; when an ill-gotten power is apt either to justice or injustice, we may draw justice from it, and then we do good without co-operating to the evil: that is, we only do determine an indifferent agent to the better part. The manner of getting the power is wholly extrinsical to the ministration of it; that is wholly the fault of the usurper, but this which is our own act, is wholly innocent. If Nero sets Rome on fire, I do not hurt if I warm by the heat, and walk by the light of it; but if I laugh at the flames, or give a faggot to it, I am guilty. And thus the christians use the heathen's oaths for their own security: the oath is good, and so far it is desired; that the oath is by a false god, is the heathen's fault; this is effected by these, but the other is only desired by them. This, therefore, is not a doing evil for a good end; it is a desiring of good, and a using the evil matter which is of another's procuring.

38. (9.) There are some actions criminal and forbidden in certain states only, as to kill a man is a sin, a private man may not do it; but the same man, when he comes to be a public magistrate, may do it. A private man also may not do it, when he is in the relation and protection of civil society, because in that, the laws are his guards, and the public judges are his defensatives; but if a man sets on me by violence, and so puts himself into a state of war, he, by going from the limits of civil society, takes off the restraint which that society put upon me, and I am returned to the liberties of nature; and there is by all laws a power given a man to defend himself, by laws, if he can, and if he cannot, then by himself and the means of nature; and, therefore, to kill him that would kill me, is not to do evil for a good end, for the thing is permitted, and therefore not intrinsically evil, and whatsoever is not so, may be accidentally good.

39. (10.) Some of the instances are such, which are disallowed by most men; so to tell a lie for a good end is unlawful, upon supposition that a lie is intrinsically evil; concerning which the account must be reserved for its own place: for the present, it is certainly unlawful to lie for any end, if that supposition be true; but if lying be only forbidden for its uncharitableness or injustice, that is, for its effects, then when the end is good, the instrument is tolerable. By these measures all the instances objected can be measured and secured, and by these the rule itself must be conducted. What cannot be excused upon one of these, is wholly to be reproved, as being a direct prevaricating the apostle's rule.

40. The sum is this: whatsoever is forbidden by the law under which we stand, and, being weighed by its own measures, is found evil; that is, in a matter certainly forbidden, not for any outward and accidental reason, but for its natural or essential contrariety to reason and the law of God, that may not be done, or procured for any end whatsoever. For every such thing is intrinsically and essentially evil, it is evil without change or variety, without condition or circumstance, and therefore cannot be made good by any such thing. What is evil in some circumstances may be good in others, and what is condemned for a bad effect, by a good one may be hallowed; but if it be bad of itself, it can never be good, till there come a cause as great to change its nature, as to make it: the cruelty of a man's habit or his choice can be turned, but a viper will for ever have a venom in his tooth.

41. But this rule is also to be extended to cases that are duplicate, and relate to two persons. As if two persons affirm or promise contraries; the first upon a presumptive power and authority over the other, and this other upon firm resolution, and by an entire power over him or herself; though I am bound to hinder his promise from passing into fallacy and deception as much as I can, yet I must rather secure my own. The reason is, because he who had no power over me, could not promise but with a tacit condition; and though he were guilty of temerity and an interpretative breach of promise, yet if the other fails, he is directly and properly guilty. This is still more evident if a father promises his daughter to Titius before witnesses, presuming that his daughter, who is a widow, will yet be ruled by him, though she be at her own dispose; but his daughter hath solemnly sworn and contract-

ed herself to Sempronius. The daughter must be more careful not to break her oath and contract, than by verifying her father's promise, keep him from a lie; and this was the case of Acontius and Cydippe in Ovid,

> Promisit pater hanc: hæc adjuravit amanti.
> Ille homines, hæc est testificata Deam.
> Hic metuit mendax, sed et hæc perjura vocari,
> Num dubitas, hic sit major, an ille metus?

This case may be varied by accidents intervening, as if the daughter be under her father's power, she hath none of her own to contract or swear: but in an equal power and circumstances, the greater care must be to avoid the greater crime.

42. These cautions are all which I think necessary for the conducting of a doubting conscience (that is, a conscience undetermined) in its danger and infirmity: but concerning the matter of doubts, that is, indeed, all cases of conscience, they are to be handled under their proper matter. Concerning interpretation of doubts to the better part, obedience to superiors in a doubtful matter, favourable and easy interpretation of laws for the deposition of a doubt, though I was tempted to have given accounts in this place, yet I have chosen to refer them to their own places, where by the method and rules of art they ought to stand, and where the reader will expect them. But concerning the cure of a doubting conscience, this is all that I am to add to the foregoing rules:

43. A doubtful conscience is no guide of human actions, but a disease; and is to be cured by prayer and prudent advices, and the proper instruments of resolution and reasonable determinations; but for those things which are called doubts, and the resolution of which is the best way to cure the infirmity of conscience, they must be derived from their several heads and categories. For these discourses or advices of conscience in general, are intended but as directions how to take our physic, and what order to observe "in diebus custodiæ;" but the determining of the several doubts, is like preparing and administering the medicines, which consist of very many ingredients.

CHAPTER VI.

OF THE SCRUPULOUS CONSCIENCE.

RULE I.

A Scruple is a great Trouble of Mind proceeding from a little Motive, and a great Indisposition, by which the Conscience, though sufficiently determined by proper Arguments, dares not proceed to Action,—or if it do, it cannot rest.

1. "Qui nimis emungit, elicit sanguinem," said Solomon;[a] "Too violent blowing draws blood from the nose;" that is, an inquiry after determination, and searching into little corners, and measuring actions by atoms and unnatural measures, and being over righteous, is the way not to govern, but to disorder our conscience.

2. That it is a great trouble, is a daily experiment and a sad sight: some persons dare not eat for fear of gluttony, they fear that they shall sleep too much, and that keeps them waking, and troubles their heads more, and then their scruples increase. If they be single persons, they fear that every temptation is a πύρωσις, that "burning" which the apostle so carefully would have us to avoid, and then that it is better to marry than to suffer it; and if they think to marry, they dare not for fear they be accounted neglecters of the glory of God, which, they think, is better promoted by not touching a woman. When they are married they are afraid to do their duty, for fear it be secretly an indulgence to the flesh, and be to be suspected of carnality; and yet they dare not omit it, for fear they should be unjust, and yet they fear that the very fearing it to be unclean should be a sin, and suspect that if they do not fear so, it is too great a sign they adhere to nature more than to the Spirit. They repent when they have not sinned, and accuse themselves without form or matter; their virtues make them tremble, and in their innocence they are afraid; they at no hand would sin, and know not on which hand to avoid it: and if they venture in, as the flying Persians over the river Strymon, the ice will not bear them, or they cannot stand for slipping, and think every step a danger, and every progression a crime, and believe themselves drowned when they are yet ashore.

3. "Scruple" sometimes signifies all manner of vexation of the mind; so Cicero[b] uses it, "Hunc mihi scrupulum ex animo evelle, qui me dies noctesque stimulat ac pungit:" "Take this scruple out of my mind, which pricks and goads me night and day." So also in St. Jerome's Bible;[c] "Non erit tibi in singultum et scrupulum cordis, quod effuderis sanguinem innoxium:" "It shall not be to thee a cause of grief and scruple of heart, that thou hast shed innocent blood."—But in the present discourse it hath a more limited signification, and according to the use of divines and canonists, means an unquietness and restlessness of mind in things done or to be done, after the doubts of conscience are deter-

[a] Prov. xxviii. [b] Pro Sext. Roscio. [c] 1 Regum 25.

mined and ended. "Intolerabilem perturbationem," Seneca calls it; a fear of doing every thing that is innocent, and an aptness to do every thing that can be suggested:

——— nuda ac tremebunda cruentis
Erepet genibus. Si candida jusserit Ino. JUVEN.

Scruple is a little stone in the foot; if you set it upon the ground, it hurts you; if you hold it up, you cannot go forward; it is a trouble where the trouble is over, a doubt when doubts are resolved; it is a little party behind a hedge, when the main army is broken and the field cleared: and when the conscience is instructed in its way, and girt for action, a light trifling reason, or an absurd fear, hinders it from beginning the journey, or proceeding in the way, or resting at the journey's end.

4. Very often it hath no reason at all for its inducement, but proceeds from indisposition of body, pusillanimity, melancholy, a troubled head, sleepless nights, the society of the timorous, from solitariness, ignorance, or unseasoned imprudent notices of things, indigested learning, strong fancy and weak judgment; from any thing that may abuse the reason into irresolution and restlessness. It is indeed a direct walking in the dark, where we see nothing to affright us, but we fancy many things,—and the fantasms produced in the lower regions of fancy, and nursed by folly, and borne upon the arms of fear, do trouble us.

5. But if reason be its parent, then it is born in the twilight, and the mother is so little that the daughter is a fly with a short head and a long sting, enough to trouble a wise man, but not enough to satisfy the appetite of a little bird. The reason of a scruple is ever as obscure as the light of a glow-worm, not fit to govern any action, and yet is suffered to stand in the midst of all its enemies, and like the flies of Egypt, vex and trouble the whole army.

6. This disease is most frequent in women, and monastic persons, in the sickly and timorous, and is often procured by excess in religious exercises, in austerities and disciplines, indiscreet fastings and pernoctations in prayer, multitude of human laws, variety of opinions, the impertinent talk and writings of men that are busily idle: the enemy of mankind by the weaknesses of the body and understanding enervating the strengths of the spirit, and making religion strike itself upon the face by the palsies and weak tremblings of its own fingers.

7. William of Oseney was a devout man, and read two or three books of religion and devotion very often; and being pleased with the entertainment of his time, resolved to spend so many hours every day in reading them, as he had read over those books several times; that is, three hours every day. In a short time he had read over the books three times more, and began to think that his resolution might be expounded to signify in a current sense, and that it was to be extended to the future times of his reading, and that now he was to spend six hours every day in reading those books, because he had now read them over six times. He presently considered, that in half so long time more by the proportion of this scruple he must be tied to twelve hours every day, and therefore that this scruple was unreasonable; that he intended no such thing, when he made his resolution, and therefore that he could not be tied: he knew that a resolution does not bind a man's self in things whose reason does vary, and where our liberty is entire, and where no interest of a third person is concerned. He was sure, that this scruple would make that sense of the resolution be impossible at last, and all the way vexatious and intolerable; he had no leisure to actuate this sense of the words, and by higher obligations he was faster tied to other duties: he remembered also that now the profit of those good books was received already and grew less, and now became changed into a trouble and an inconvenience, and he was sure he could employ his time better; and yet after all this heap of prudent and religious considerations, his thoughts revolved in a restless circle, and made him fear he knew not what. He was sure he was not obliged, and yet durst not trust it; he knew his rule, and had light enough to walk by it, but was as fearful to walk in the day as children are in the night. Well! being weary of his trouble, he tells his story, receives advice to proceed according to the sense of his reason, not to the murmurs of his scruple; he applies himself accordingly. But then he enters into new fears; for he rests in this that he is not obliged to multiply his readings, but begins to think that he must do some equal good thing in commutation of the duty, for though that particular instance become intolerable and impossible, yet he tied himself to perform that which he believed to be a good thing, and though he was deceived in the particular, yet he was right in the general, and therefore that for the particular he must make an exchange. He does so; but as he is doing it, he starts, and begins to think that every commutation being intended for ease, is in some sense or other a lessening of his duty, a diminution of his spiritual interest, and a note of infirmity; and then also fears, that in judging concerning the matter of his commutation he shall be remiss and partial. Now he considers that he ought to consult with his superiors; and as he is going to do so, he begins to think that his superior did once chide him for his scruple, and that now much more he will do it, and therefore will rather seek to abolish the opinion of obligation than change it into another burthen; and since he knows this beforehand, he fears lest it shall be expounded to be in him an artifice to get himself eased or chidden out of his duty, and cozened from his obligation. What shall the man do? He dares not trust himself; and if he goes to another, he thinks that this will the more condemn him; he suspects himself, but this other renders him justly to be suspected by himself and others too. Well! he goes to God and prays him to direct him; but then he considers that God's graces are given to us working together with God's Spirit, and he fears the work will not be done for him because he fails in his own part of co-operating; and concerning this he thinks he hath no scruple, but certain causes

of fear. After a great tumbling of thoughts and sorrows, he begins to believe that his scrupulousness of conscience is a temptation, and a punishment of his sins: and then he heaps up all that ever he did, and all that he did not, and all that he might have done, and seeking for remedy grows infinitely worse, till God at last pitying the innocence and trouble of the man, made the evil to sink down with its own weight, and like a sorrow that breaks the sleep, at last growing big, loads the spirits, and bringing back the sleep that it had driven away, cures itself by the greatness of its own affliction. In this case, the religion is not so great as the affliction.

8. But because a scruple is a fear, or a light reason against a stronger and a sufficiently determined understanding, it can bring no other work to the conscience, but that it get itself eased of the trouble, which is to be done by the following rules.

RULE II.

A Conscience, sufficiently instructed by its proper Arguments of Persuasion, may, without Sin, proceed to Action against the Scruple and its weaker Arguings or stronger Tremblings.

1. This is the best remedy that is in nature and reason. St. Bernard preached rarely well, and was applauded; but the devil, offering to him the temptation of vain-glory, he, in his resisting it, began to think that he had better leave off to preach than begin to be proud; but instantly the Holy Spirit of God discovered to him the deception, and the devil's artifice, who would, at any rate, have him leave off to preach; and he answered, "I neither began for thee, nor for thee will I leave off." This is a right course in the matter of scruple; proceed to action; and as the reason or the fear in the scruple was not inducement enough to begin, so neither to leave off.

2. Against a doubting conscience a man may not work, but against a scrupulous he may. For a scrupulous conscience does not take away the proper determination of the understanding; but it is like a woman handling of a frog or a chicken, which, all their friends tell them, can do them no hurt, and they are convinced in reason that they cannot, they believe it and know it; and yet when they take the little creature into their hands, they shriek, and sometimes hold fast, and find their fears confuted, and sometimes they let go, and find their reason useless.

3. Valerius of Hippo, being used always to fast till high noon of festivals, falls into an illness of stomach, and is advised to eat something in the morning; all the reason of the world that is considerable and pressing, tells him he may do it lawfully, but because he hath not been used to it, and good people in health do not do it, he is fearful to do that which others do not, that need it not; this is a slight ground, and with it perfectly may stand his practical determination of conscience, that it is lawful for him; which final determination, because it is the next and immediate rule of actions, cannot be impeded by that, which suffers this persuasion still to remain,—because the doing only against such a persuasion can only be a sin; for that only is the transgression of the immediate law: to do conformably to such determination is to do it with faith; and if the scruple can lessen it, yet it only makes the man the weaker, but cannot destroy the assent.

4. Add to this, that since scruples do sometimes make men mad, do detriment to our health, make religion a burden, introduce a weariness of spirit and tediousness,—it cannot be a sin to stop all this evil, and directly to throw away the scruple, and proceed to contrary actions.

5. But this is to be understood only, when the scruple is such that it leaves the conscience practically determined. For if the scruple prevails upon his weakness so far as to rifle the better reasons, the conscience loses its rule and its security, and the scruple passes into a doubt, and the law into a consultation, and the judgment into opinion, and the conscience into an undiscerning, undetermined faculty.

6. Hither is to be reduced the case of a perplexed conscience; that is, when men think that which part soever of the contradiction they choose, they sin; for though that be impossible to wise men, yet all men are not wise; and if it were impossible in the thing, yet it is certainly possible upon the distempers of some men: and because a man hath contrary reasonings and divided principles within, as our blessed Lord had a natural desire not to die, and yet a reasonable and a holy spiritual desire to submit to his Father's will, and if he please, to die; —so hath every man desires to please an appetite, or secure an interest of secular designs, and a reason to serve the interest of his spirit in spiritual designs: but although, in our blessed Lord, the appetites of nature were innocent and obedient, and the spirit always got a clear victory, and the flesh resisted not, yet in us it is not so; and sometimes spiritual complications do disturb the question, and make the temporal end seem religious or pious; and the contrary pretence is pious too, and yet a duty will be omitted which way soever be chosen, or a sin committed, as is supposed: here the case seems hard. It is certain that there is no such case in the world, that it is necessary for a man to sin which part soever he takes,—and unless it be his own fault he cannot think so; but some men are wild in their reasonings, and err in circles, and cannot untie the knot themselves have knit. Some are weary, and many are involved, and more are foolish; and it is as possible for a man to be a fool in one proposition as in another, and, therefore, his error may be this, that "which part soever he chooses, he shall sin;"—what is to be done here? is the question.

7. The case is this: Pratinus, a Roman soldier, turns christian, and having taken his military sacrament before, and still continuing the employment, he is commanded to put to death certain criminals, which he undertakes, because he is bound to it by his oath. Going to the execution, he finds

they were condemned for being christians; then he starts, remembering his sacrament or oath on one side, and his faith on the other; that is, his religion on both; by which he is bound neither to be perjured, nor to kill his brethren: the question is not how he might expedite his doubt, and secure his conscience by choosing the surer part, but what he is to do, this perplexity remaining, that is, he not being able to lay aside either part of the doubt; for his question is not whether of the two he shall do, but is persuaded that to do either is a high crime.

8. (1.) Concerning this, it is evident, that if the cases be equal, and the event not to be distinguished by him in the greatness of its consequent or malice of it, it is indifferent to him which he chooses; and therefore there can be no rule given, which he must take, unless he could be convinced of one that it is lawful, and the other unlawful; but in this case that not being to be done, he ought to know, that, in this case, he sins not if he takes either, because all sin is with liberty and choice, at least with complacency: but his error is an infelicity and no sin, if he neither chooses it, nor delights in it, which in the present case he is supposed not to do.

9. (2.) But if, in the event of the actions and parts of choice, there be a real or apprehended difference, he is bound to choose that part, which he believes to be the less sin,—this being a justification of his will, the best that can be in the present case; but if he chooses that, which is of worse event, he hath nothing to excuse it.

RULE III.

He that is troubled with Scruples, ought to rely upon the Judgment of a prudent Guide.

1. THE reason is, because his own understanding is troubled and restless, and yet his reason determined; and, therefore, he can but use the best way of cure, which, in his particular, is to follow an understanding that is equally determined as is his own, and yet not so diseased.

2. Add to this, that God hath appointed spiritual persons, guides of souls, whose office is to direct and comfort, to give peace and conduct, to refresh the weary, and to strengthen the weak, to confirm the strong, and instruct the doubtful; and, therefore, to use their advice is that proper remedy, which God hath appointed. And it hath also in it this advantage, that there is in it humility of understanding, a not relying on our own wisdom, which, by way of blessing and disposition, will obtain of God that we be directed. "Consule bonos, prudentesque viros, et acquiesce eis,"[d] was an old advice, and derived from Solomon and Tobit; "lean not on thy own understanding," but ask counsel of all that are wise, and despise not any counsel that is profitable.

[d] Antonin. in sum. 1. p. tit. 3. c. 10.

RULE IV.

When a Doubt is resolved in the Entrance of an Action, we must judge of our Action afterwards by the same Measures as before: for he that changes his Measures, turns his Doubt into a Scruple.

1. THE reason of the rule is this, that which is sufficient for satisfaction before, is sufficient for peace afterwards. A christian, in the diocess of Salamis, being faint in his stomach before the reception of the holy sacrament, disputes whether he may take a cordial or a glass of wine. Upon inquiry, he is told, that to receive the holy sacrament "virgine saliva," "fasting," is a custom of the church later than the times of the apostles, as appears by the Corinthian usages mentioned by St. Paul; that it having no authority but custom, no sanction but a pious fancy, and a little proportion and analogy of reverence, it ought to yield to the elicit acts of charity: upon this account he being satisfied drinks a little, is well, and communicates with health, and joy, and holiness. But afterwards reflecting upon what he had done, he begins to fear he had not done well; that he had done against the customs of the church, that it was at least infirmity in him, and upon what account with God that should be, which, in his own most gentle sentence, was, at least, infirmity, he knew not; and twenty other little things he thought of, which signified nothing, but did something,—they meant no good, but did great evil: and finding himself got into a net, he calls for help, but is told that he must get out of it by the same way that he came in, and that which was the sufficient cause of his doing the action, was sufficient also for the justification of it, and let him confront the reasons which introduced the action against these flies and little pretensions which disturb his mind, and he shall find that he hath reason to be ashamed of debauching and prostituting his understanding to such trifles and images of argument: for let a man look to his grounds when he begins to act, and when he hath acted, let him remember that he did his duty, and give God thanks. For if any just cause appear, for which he ought to reprove his former determination, that just cause can have no influence upon what is past, if the first proceeding was probable, and reasonable, and disinterest. He knows something which he did not know before; and, for the time to come, is to walk by this newly kindled taper; but if he, in the first instance, walked by all the light he had, he is not tied to walk it over again: for as God will not, of a child, exact the prudence and cautions of a man, but in every age expects a duty answerable to the abilities of it; so it is in all the stages of our reason and growing understanding. According to what we have, and not according to what we have not, we shall give accounts. This is intended to prove, that, if we proceed probably, we are not tied to sorrow and repentance, though afterwards we find a greater reason to the contrary; but this concludes

more in the present question of scruple, in which the greater probability goes before, and the less comes after.

But the rule is to be managed with these cautions:

2. (1.) Take heed, that, in the beginning, we do not mistake our desires to have it done, for a sufficient warrant that it may. For if we enter in at a wrong door, or at the windows, we must go back, and cannot own that entrance which was like a thief, or that action which was done with more craft than prudence.

3. (2.) Be not too easy in the arguments of probation. For although in actions concerning our eternal interest, God expects no more of us but that we should talk by the measures of a man; yet we do not perform our duty if we act by the measures of a child or a fool. If we could do no better, the action might be more reprovable than the man; but if we could consider better and wiser than when we reflect afterwards upon what we did before, and find a fault or a sin, a negligence or an avoidable error in the principle, we cannot from thence bring rest and confidence to our consciences.

4. (3.) Separate your question, as much as you can, from interest,—that your determination and inquiry be pure; and if more arguments occur afterwards than did in the first inquiry, remember that it was well enough at first, if it was probable enough; and for the rest, pray to God to accept you, if you did well and wisely,—and to pardon you in what was done amiss, or negligently, or imperfectly.

RULE V.

A scrupulous Conscience is to be cured by Remedies proper to the Disease, and Remedies proper to the Man.

1. That is, there are some advices, which are directly intended for the lessening the scruple,—and some others, which take away the scruple by curing the man, and taking off his distemperature. Those which are directly intended against the scruple, besides the rules before described, are these:

Remedies against the Scruple.

2. (1.) Let the afflicted and disquiet man often meditate of the infinite goodness of God, and how his justice is equity, and his judgments are in mercy; that he judges us by what we heartily endeavour, but does not put our infelicities into our accounts of sins.

3. (2.) Let him be instructed, that all laws, Divine and human, are desirous of sweet and merciful interpretations, and that of themselves they love to yield to necessity and to charity; and that severity and exactness of measures is not only contrary to the goodness, but to the justice of God, who therefore will pity us because we are made of dust, and are a lump of folly and unavoidable infirmities; and by the same justice by which God is eternally angry with the fallen angels, by the same justice he is not finally angry with man for his first follies, and pities all his unavoidable evils.

4. (3.) Let it be remembered, that charity is the fulfilling the law, and by the degrees of it a man tends to perfection, and not by forms and tittles of the letter, and "apices" of hand-writing or ordinances. And that if he loves God and does his best, and concerning the doing his best makes the same judgments real and material, that he does of the other actions of his life, he certainly does all that can belong to him, and all that which can be wise and safe. He that acts according to the reason of a man, ought to have the confidences of a man; for no other confidence can be reasonable. That is charity, that we do carefully and wisely, and follow the best we can.

5. (4.) Let it be considered that to incline to the scruple, and neglect the stronger reason that stands against it, is to take the worse end, it is to do that which must seem worse; and then it may be remembered, that if the man is afraid and troubled with the trifle, with the scruple, when he hath stronger reason to secure him, if he yields to the scruple and neglects the stronger reason, the neglect of that will run upon him like a torrent and a whirlwind,—and the scruple, or the bulrush, will not support his building.

6. (5.) Since the very design of the evangelical covenant is, that our duty be demanded, and our sins accounted for, according to the measures of a man, and not by the proportions of an angel; and that all our infirmities and ignorances, and unavoidable prejudices, are taken into account, beside the infinite remissions on God's part,—it will follow, that, by this goodness of God and a moral diligence, and a good heart, we are secured, but we can never be secured by our own measures. For let us weigh never so exactly, we may miss grains or scruples; but to snatch greedily at the little overrunning dust of the balance, and to throw away the massive ingots that sunk the scales down, is the greatest folly in the world.

7. (6.) The lines of duty are set down so clear and legible, are so agreeable to reason, so demonstrable upon their proper principles, are so easy and plain, that we need not run into corners and sneaking by-lanes to find it out: if, by little undiscerned minutes, we were to stand or fall, though now there are but few that shall be saved, yet but a few of those few should escape eternal death. The counsels of God are not like the oracles of Apollo, double in their sense, intricate in their expression, secret in their meaning, deceitful in their measures, and otherwise in the event than they could be in their expectation. But the word of God, in the lines of duty, is open as the face of heaven, bright as the moon, healthful as the sun's influence; and this is certainly true, that when a thing becomes obscure, though it may oblige us to a prudent search, yet it binds us not under a guilt, but only so far as it is or may be plainly understood.

8. But in the case of a scrupulous conscience, it is not the thing so much that troubles the mind, as the indisposition of the part; the man hath a vicious

tenderness; it is melancholy and fear: and as every accident can trouble the miserable, so every fancy can affright the timorous; the chiefest remedies, therefore, must be by applications to the man, to cure his distemper; and then the scruple will work no more than its own activity will enable it, and that is but little and inconsiderable.

Advices to the scrupulous Man.

9. (1.) The case of the scrupulous man is full of variety, or uncertainty, rather that it is as easy to govern chance, and to give rules to contingency, as to him. In all other cases there is a measure and a limit, and therefore a remedy can be proportioned to it; but in this, fear is the disease, and that alone is infinite; and as it commences oftentimes without cause, so it proceeds without limit. For by what reason it entered in, by the same it may grow; that is, without any cause at all it may increase for ever. But for the remedy, this is considerable; that the worse it is, the better it may be remedied, if we could consider. For when fear is grown so big that it is unreasonable, the cure is ready and plain, that it must be laid aside because it is intolerable, and it may because it is unreasonable. When it comes from a just cause, that just cause is usually the limit of it: but when it is vast and infinite it hath no cause, but weakness, and it appears enough in the instances; for the scrupulous man fears concerning those things, where he ought to be most confident; he fears that God is angry with him for not doing his duty, and yet he does whatsoever he can learn to be his duty. This is a complication of evils, as melancholy is of diseases. The scrupulous man is timorous, and sad, and uneasy, and he knows not why. As the melancholy man muses long, and to no purpose, he thinks much, but thinks of nothing; so the scrupulous man fears exceedingly, but he knows not what nor why. It is a religious melancholy; and when it appears to be a disease and a temptation, there need no more argument against its entertainment. We must rudely throw it away.

10. (2.) He that is vexed with scruples, must fly to God by prayer and fasting, that this lunacy and spirit of illusion, which sometimes throws him into the fire and sometimes into the water,[e] may be ejected; and the Spirit of God, and the Spirit of wisdom,[f] may come in substitution, according to the promise so often recorded in the Holy Scriptures.

11. (3.) Let the scrupulous man change the tremblings of his spirits to a more considerable object, and be sure if he fears little things, let him fear great things greatly; every known sin let him be sure to avoid, little or great; for by this purity he shall seek God, and the things of God, peace and truth, and the honesty of his heart will bear him out from the misehief, if not quit from the trouble of the scruple: at no hand let it be endured that he should think this disease or vicious tenderness in spirit is able to excuse him from his duty in greater things. Some scruple at an innocent ceremony, and against all conviction and armies of reason will be troubled and will not understand; this is very bad; —but it is worse that he should think himself the more godly man for being thus troubled and diseased, and that, upon this account, he shall fall out with government and despise it; this man nurses his scruple till it proves his death; and instead of curing a bile, dies with a cancer: and is like a man that hath strained his foot, and keeps his bed for ease; but by lying there long falls into a lipothymy, and that bears him to his grave.

12. (4.) Let the scrupulous man avoid all excess in mortifications and corporal austerities, because these are apt to trouble the body, and consequently to disorder the mind,—and by the prevailing fond persuasions of the world they usually produce great opinions of sanctity and ignorant confidences of God's favour; and, by spending the religion of the man in exterior significations, make him apt to take his measures from imperfect notices; and then his religion shall be scruple and impertinency, full of trouble, but good and profitable for little or nothing. "Admiratione digna sunt," saith Cardan,[g] "quæ per jejunium hoc modo contingunt: somnia, superstitio, contemptus tormentorum, mortis desiderium, obstinata opinio, insania: jejunium naturaliter præparat ad hæc omnia:" "It is wonderful to consider what strange products there are of fasting: dreams, superstition, contempt of torments, desire of death, obstinacy in opinion, and madness; to all these, fasting does naturally prepare us."—And concerning St. Hilarion it is reported by St. Jerome,[h] "Ita attenuatus fuit jejunio et vigiliis, in tantum exeso corpore ut ossibus vix hærebat: unde nocte infantum vagitus, balatus pecorum, mugitus boum, voces et ludibria dæmonum," &c. "That he was so lean and dried with fasting and watching, that his flesh did scarce cleave to his bones: then his desires and capacity of sleep went away, and for want of sleep he must needs grow light-headed, and then the illusions of the devil were prepared and certain to prevail; then his brains crowed, and he heard in the desert children crying, sheep bleating, bulls lowing, and rattling of chains, and all the fantastic noises raised by the devil."—Much to the same purpose is, by St. Athanasius, reported of St. Anthony. It was this excess that made St. Jerome so scrupulous in reading of Tully's orations; it was not an angel, but his own dreams that whipped him from making and reading good Latin and good sense. After long fasting it was that St. Gulslach, of Crowald, fought with the devil; and such irregular austerities have been, in all ages of superstition, the great instrument of Satan, by which his illusions became oracles, and religion was changed into superstition, and the fear of God into timorousness, and inquiry into scruple.

13. (5.) Let the scrupulous man interest himself in as few questions of intricate dispute, and minute disquisition, as he can; they that answer fewest, do commonly trouble themselves with most. Curious questions may puzzle every man, but they can profit no man, they are a certain disturbance, they are rebels in the kingdom of the inner man; they are just the same things in speculation which scruples

[e] Mark ix. 22. [f] James i. 5.

[g] De verum varietate. Lib. viii. c. 10. [h] Epist. lib. iii.

are in practice, and therefore because notice properly tends and directs to action, the increase of them will multiply these. Avoid them therefore; for not these, but things practical, are the hinges of immortality; but the other break the peace of the superior faculties, they trouble the understanding and afflict the conscience and profit, or instruct no man.

14. (6.) He that would cure his scrupulousness, must take care that his religion be as near as he can to the measures and usages of common life. When St. Anthony was troubled with a scrupulous conscience, which so amazed him, that he thought it was impossible for him ever to arrive at heaven, an angel came to him in the likeness of an hermit, or rather an hermit spake to him like an angel, and said, "Nunc paululum laborando manibus, nunc genibus flexis orando, deinde corpus reficiendo, post quiescendo, et rursus iterum operando, Antoni, sic fac tu et salvus eris:" "Sometimes labour with thy hands, then fall on thy knees and pray, then refresh thy body, then sometimes rest, and then labour again; and so thou shalt be saved."—Let us take care that our religion be like our life, not done like pictures, taken when we are dressed curiously, but looking as the actions of our life are dressed,—that is, so as things can be constantly done, that is, that it be dressed with the usual circumstances, imitating the examples and following the usages of the best and the most prudent persons of his communion; striving in nothing to be singular, not doing violence to any thing of nature, unless it be an instrument or a temptation to a vice. For some men mortify their natures rather than their vicious inclinations or their evil habits, and so make religion to be a burden, a snare, and an enemy. For in scrupulous, that is, in melancholy persons, nature is to be cherished in every thing where there is no danger, that is, where she is not petulant and troublesome. Such men have more need of something to repair their house, than to lessen it.

15. (7.) Let the scrupulous man take care, that he make no vows of any lasting employment. For the disease that is already within, and this new matter from without, will certainly make new cases of conscience, and new fears and scruples upon the manner, and degrees, and circumstances of performance. Therefore, whatever good thing they intend, let them do it when they can, when it is pleasant, when it is convenient, and always reserve their liberty. For besides that to do otherwise must needs multiply scruples, it is also more pleasing to God, that we make our services to be every day chosen, than after one general choice of them, to have the particulars done and hated.

16. (8.) But that I may sum up many particulars in one. The scrupulous man must avoid those companies, and those employments, and those books from whence the clouds arise, especially the books of ineffective and fantastic notion, such as are legends of saints, ridiculously and weakly invented, furnished out for ideas, not for actions of common life, with dreams and false propositions; for the scrupulous and fearful will easily be troubled, if they find themselves fall short of those fine images of virtue which some men describe, that they might make a fine picture, but like nobody. Such also are the books of mystical theology, which have in them the most high, the most troublesome, and the most mysterious nothings in the world, and little better than the effluxes of a religious madness.

17. (9.) Let the scrupulous man endeavour to reduce his body into a fair temper, and enkindle in his mind a great love and high opinions of God and God's mercy, and by proper arts produce joy in God, and rejoicings in the Spirit; let him pursue the purgative way of religion, fight against and extirpate all vicious habits and evil customs, do the actions of virtue frequently and constantly, but without noise and outcries, without affectation and singularity. That religion is best which is incorporated with the actions and common traverses of our life; and as there will be some foolish actions, so there will be matter for repentance; let this humble us, but not amaze us and distract us.

18. (10.) Let all persons who are or use to be thus troubled with flies, and impertinencies of reason and conscience, be carefully and wisely instructed in those practical propositions which are the general lines of life, which are the axioms of christian philosophy, which like the rules of law have great influence in many virtues, and have great effect towards perfection. For the more severe the rules are, the more apt they are to be the matter of scruple, when they are not understood in their just measures. Such as are, It is the part of a good mind to acknowledge a fault where there is none:—Not to go forward is to go backward:—He that loves danger shall perish in danger:—Hold that which is certain, and let go that which is uncertain.—There are many more, of which I am to give accounts in the next book, and from thence the scrupulous may derive assistances.

Concerning the matter of scruples, I on purpose decline the considering of it here, because either every thing, or nothing of it, is to be handled. A scruple may arise in the doing of every duty, in the remembrance of every action; and to stop one gap, when the evil may enter in at five hundred, I did suppose not to be worth my labour. I therefore reserve every thing to its own place, being content here to give the measures and rules of conscience in its several kinds and differing affections, that is, in all its proper capacities which can relate to action.

OF THE

RULE OF CONSCIENCE,

VIZ.

THE LAWS DIVINE, AND ALL COLLATERAL OBLIGATIONS.

BOOK II.

CHAPTER I.

OF THE LAW OF NATURE IN GENERAL.

RULE I.

The Law of Nature is the universal Law of the World, or the Law of Mankind, concerning common Necessities to which we are inclined by Nature, invited by Consent, prompted by Reason, but is bound upon us only by the Commands of God.

1. Ἔστω σοὶ πρὸ ὀφθαλμῶν γινώσκειν τὶ νόμος φυσικὸς, καὶ τὶ τὰ τῆς δευτερώσεως, said the apostolical constitution;[a] "Be careful to understand what is the law natural, and what is superinduced upon it." The counsel, abating the authority and reverence of them that said it, is of great reasonableness. For all men talk of the law of nature, and all agree that there is such a material law which some way or other is of the highest obligation; but because there are no digests or tables of this law, men have not only differed about the number of them, and the instances themselves, but about the manner of drawing them forth, and making the observation: whereas if the law of nature were such a thing as it is supposed generally, these differences would be as strange and impossible, as that men should disagree about what is black, or what is yellow,—or that they should dispute concerning rules to signify when they desire, or when they hope, or when they love. The purpose of the present intendment will not suffer me to make large disputes about it, but to observe all that is to be drawn from it in order to conscience and its obligation.

The Law of Nature.

2. "Jus naturæ," and "lex naturæ," are usually confounded by divines and lawyers, but to very ill purposes, and to the confusion and indistinction of all the notices of them. "The right of nature," or 'jus naturæ,' is no law, and the law of nature is no natural right."[b] The right of nature is a perfect and universal liberty to do whatsoever can secure me or please me. For the appetites that are prime, original, and natural, do design us towards their satisfaction,—and were a continual torment, and in vain, if they were not in order to their rest, contentedness, and perfection. Whatsoever we naturally desire, naturally we are permitted to. For natures are equal, and the capacities are the same, and the desires alike; and it were a contradiction to say, that naturally we are restrained from any thing to which we naturally tend. Therefore, to save my own life, I can kill another, or twenty, or a hundred, or take from his hands to please myself, if it happens in my circumstances and power; and so for eating, and drinking, and pleasures. If I can desire, I may possess or enjoy it: this is the right of nature. "Jus naturæ," by "jus" or "right," understanding not a collateral or legal right, positive or determined, but a negative right, that is, such a right as every man hath without a law, and such as that by which the stones in the streets are mine or yours; by a right that is negative, because they are "nullius in bonis," they are "appropriate to no man," and may be mine; that is, I may take them up and carry them to my bed of turf, where the natural, wild, or untutored man does sit. But this is not the law of nature, nor passes any obligation at all.

3. And indeed nature herself makes not a law:

Nec natura potest justo secernere iniquum:

and this opinion Carneades did express, but rudely, and was for it noted by Lactantius. He said there was no law of nature. But the christians, who for many ages have followed the school of Aristotle, have been tender in suffering such expressions, and have been great promoters of Aristotle's doctrine concerning the τὸ φυσικὸν, "the natural law." But indeed Aristotle himself in this was various and indetermined. For in his Ethics[c] he affirms, that

[a] Constit. Apost. lib. i. c. 6.

[b] Valla Elegant. lib. iv. c. 48.

[c] Lib. v. c. 10.

some think the natural law to be τὸ μὲν φύσει, ἀκίνητον καὶ πανταχοῦ τὴν αὐτὴν ἔχει δύναμιν· ὥσπερ τὸ πῦρ καὶ ἐνθάδε καὶ ἐν Πέρσαις καίει, "unalterable, and of the same force every where, as fire burns here and in Persia:" and yet he himself makes it mutable, and that is not the same among all nations; for so he in his Rhetorics[d] says, ἐστὶ γὰρ, ὃ μαντεύονταί τι πάντες, φύσει κοινὸν δίκαιον καὶ ἄδικον, κἂν μηδεμία κοινωνία πρὸς ἀλλήλους ᾖ, μηδὲ συνθήκη, that "some do divine" (not demonstrate) "that some things are just or unjust by nature, without any covenant or society; intimating, that without a covenant or contract, tacit or explicit, there can be no law: and if it depends upon contract, it must be variable as necessity and contingency together; and so he affirms, that there is nothing so naturally just but it is variable; and although the right hand is in most men the strongest, yet in some the left hand is. Διανεμητικὸν δίκαιον τῶν κοινῶν ἀεὶ κατ' ἀναλογίαν ἐστὶ τὴν εἰρημένην.[e] "Distributive justice is by proportion;" and therefore it is variable; and in general he affirms of all justice, τὸ δὲ δίκαιον ἀνάλογον, "justice is in proportion and relation."

4. For justice is ἀλλότριον ἀγαθὸν, that is, πρὸς ἕτερον, a relative excellency, and therefore, must suppose society, and a paction or covenant. For, "a man cannot be unjust to himself," or to his own goods, which are absolutely in his power:[f] οὐκ ἔστιν ἀδικία πρὸς αὑτὸν. and therefore, justice, I mean that universal virtue that contains all else within it,

Ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετ' ἐστι·
Theognis.

is a virtue that hath its being from something superinduced upon nature. Justice is natural, as all virtues are, that is, reasonable and perfective of our nature, and introductive of well-being: but nature alone hath not enjoined it originally, any more than matrimonial chastity was a natural law, which could not be at all before Eve was created, and yet our nature was perfect before. "Justum nihil est non constitutâ lege," "nothing is just or unjust of itself, until some law" of God or man does supervene: and the Sceptics generally, and, amongst the Dogmatics, Aristippus said, that nothing is just by nature, but only νόμῳ καὶ ἔθει, "by law and custom;" which in what sense it is to be admitted, I shall explicate in the following periods:

Is the universal Law of the World.

Ὁ κοινὸς νόμος, so Aristotle calls it;[g] "The law of mankind"—"Commune omnium hominum jus;"—so Justinian;[h] which is not to be understood of all men in all things absolutely, but especially of all wise or civil nations that communicate with each other. Lucretius restrains it to neighbours.

Tunc et amicitiam cœperunt jungere habentes
Finitima inter se, nec lædere, nec violare.

But many nations have thought, and some think so still, that they may hurt stranger people, the possessors of far distant countries, barbarous and savage people: the Romans, who were the wisest of all nations, did so.

——Si quis sinus abditus ultra,
Siqua foret tellus, quæ fulvum mitteret aurum,
Hostis erat. Arbiter.

"All people whom they call barbarous, or whom they found rich, were their enemies."

5. But there are some laws of nature which belong to all absolutely, to whom any notice of the true God and of good manners is arrived; particularly those which belong to common religion: but in the laws of justice, the law of nature is more restrained; because it does not only, like the laws of religion, suppose some communications of command from God, but some intercourse with man; and, therefore, are obligatory, or extended in proportion to the proximity and communication. But the law taken in its integrity, or according to its formal reason, is the law of all mankind; for all men in all things are bound to it.

Concerning some common Necessities.

This describes the matter and body of natural laws. For there is nothing by which the laws are denominated natural more than by this, that they are provisions made for the natural necessities of mankind; such are,—To do as we would be done to;—To perform covenants;—To secure messengers of peace and arbitrators;—To be thankful to our benefactors;—and the like: without these a man cannot receive any good, nor be safe from evil.

6. By this relation, and interchanging reason, it is therefore necessary that these laws should be distinguished from all others, because these and their like proceed from the same principle, are restrained by the same penalties, written in the same tables, have the same necessity, and do suppose something superadded to our nature; and, therefore, that these and their like are natural, and the others are not, must be by relation to the subject matter.

7. For in these cases and the like, when that which is profitable is made just,—then that which is natural is made a law; that is, when the law tends to the same end whither nature tends, when the faculty or appetite is provided for by obedience to a law, then the law is called natural. For since all good and just laws are profitable, they are laws, civil, or religious, or natural, according as they serve the end of the commonwealth, or of the religion, or of nature. This is evident in the code of the Mosaic law, where all laws, being established by God under the same prince, could have no difference but by their subject matter; and when they did lie in one body, to separate one from the other by proper appellatives was not easy, but by their manner of doing benefit, and their material relations.

To which we are inclined by Nature.

8. That which is usually called "the law of nature," is, of itself, nothing else but "convenientia cum naturâ rationali," "a consonancy to natural reason and being." Some, in drawing the tables of the natural

[d] Lib. i. c. 13. et 15. [e] Ethic. lib. v. c. 7. [f] Ethic. lib. v. c. 10. [g] Rhetor. lib. i. c. 11. [h] Lib. ix. ff. de Jure et Justitia.

law, estimate those only to be natural laws which are concerning appetites and actions common to man and beast. "Jus naturale est, quod natura omnia animalia docuit;" said Ulpian:[i] "That is the law of nature, which is, by nature, taught not only to men, but even to beasts;" for they also are under her power,

——Magnis agitant sub legibus ævum.

The same definition is also given by Aquinas, and many lawyers after Justinian,[k] and almost all divines after Aquinas; but Laurentius Valla[l] will, at no hand, endure it: "Nam jus naturale dicere quod natura omnia animalia docuit, ridiculum:" "It is ridiculous to affirm that to be the law of nature, which nature teaches to all living creatures;" such as are, conjunction of sexes for conservation of the kind, nursing and educating children, abstinence from some certain mixtures and copulations, abhorring the conjunction of some very near persons. Concerning which it is, therefore, certain, that though the matter of these laws is hugely agreeable to nature, and some of them are afterwards made into laws, and, for their matter sake and early sanction, are justly called natural, (as I have otherwhere discoursed,[m]) yet they are made laws in nature only "dispositivè," that is, by nature they are made candidates of laws, they are prepared by nature, but completed by God in other ways than by our nature and creation.

9. The reason is, because that which is natural is one, but these laws admit variety; and amongst wise nations, in several cases, have and have not obligation. The religious, and the priests, and wise men among the Persians, did not account themselves bound by all these, as I shall discourse in the following numbers; and yet they were then to be reckoned amongst the wisest men in the world, because of their great empire and government, which, by reason of their great necessities and communications with mankind, cannot be done without its proportion of wisdom. But if nature did make these into a law, that is, if it comes by creation, and from thence also the penalty and coercion is derived, (for without these there is no law,) then it were impossible the wise Persians should think it commendable to do that which others called abominable, since in all those things in which they do a thing which they call unlawful, they, as other men, felt an equal sharpness and pungency of conscience.

10. But that I may speak closer to the particular, that a thing is common to men and beasts is no indication of a law of nature, but only of a common necessity, instinct, or inclination respectively. For they do it without a law, and, therefore, so may we, unless something else besides nature makes it a law to us; for nature or natural desire in them and us is the same; but this desire is in them where a law cannot be, and, therefore, in us also it may be without a law. Beasts do all they can do, and can love, and are no more capable of law than of reason; and if they have instincts and inclinations, it is no otherwise than their appetites to meat, concerning which nature hath determined all, but without proper obligation: and all those discourses concerning the abstinence of beasts, their gratitude, their hospitality, their fidelity, their chastity and marriages, are just like the discourses of those that would make them reasonable. More certain and true is that which was said of old,

Ἰχθύσι μὲν καὶ θηρσὶ καὶ οἰωνοῖς πετεηνοῖς,
Ἔσθειν ἀλλήλους, ἐπεὶ οὐ δίκη ἐστὶ μετ' αὐτοῖς·

"Fishes, and birds, and beasts eat one another, because they have no justice or laws amongst them," said Hesiod; and the like is in Homer,

Ὡς οὐκ ἔστι λέουσι καὶ ἀνδράσιν ὅρκια πιστά. Il. χ.

And, therefore, although it is a good popular argument, which is used against unnatural conjunctions, which is in the Greek epigram,[n]

Δίρκειο τῶν ἀλόγων ζώων γένος· οὐ γὰρ ἐκείνων
Φύσις ἀτιμάζει θέσμια συζυγίης, &c.

"Abstain from such impurities, for the very beasts preserve their natural customs and conjunctions inviolate;" yet this is an infinitely uncertain and fallacious way of estimating any particular laws of nature, because it may as well be said to be against the law of nature to be drunk as to be incestuous, upon this account, because cows will drink no more than to quench their thirst; and although in the law of Moses, beasts were put to death if they were instrumental in bestiality or murder, yet this was in "pœnam Domini," or a matter of dominion over beasts; and the word "pœna," or "punishment," was improper, and no otherwise to be understood than that of Suidas, in his story of Nicon, whose statue when an envious person had whipped, to disgrace his memory, because in the Greek games he had won fourteen hundred crowns, the statue fell upon his head and crushed him to death. Τοῦ δὲ οἱ παῖδες ἐπεξίεσαν φόνου ἐπὶ τῇ εἰκόνι, καὶ οἱ Θάσιοι καταποντοῦσιν αὐτὴν κατὰ τὸν νόμον τοῦ Δράκοντος Ἀθηναίου· "His sons accused the statue as guilty of murder, and the Thasians threw it into the sea; for so was the law of Draco, the Athenian," ὑπερορίζειν φονεύοντας καὶ τὰ ἄψυχα, "to banish every thing that killed a man, though it were wood, stones, or hatchets;" as you may see in Demosthenes.[o] These things were tragical detestations and emblematical prosecutions of the crime; but the men were wiser than to believe it really a punishment to inanimate things. The same is true of beasts in their proportion, whose cruelty, savageness, or violent revenges, is not κακία, but οἱονεὶ κακία, as Origen[p] calls it, "it is like pravity or wickedness."

11. This thing is so much the more considerable, because it is of use against the pretences and scruples of some persons in things where they ought to be confident. St. Jerome says, that beasts, when they are impregnated, abstain from coition till the production of their young, and that this they do

[i] Lib. i. ff. de Justitia et Jure.
[l] Elegant. l. iv. c. 48.
[k] 1. 2æ. q. 104. art. 2.
[m] See Great Exemplar.
[n] L. i. c. 78.
[o] Orat. contr. Aristocratem.
[p] Contr. Celsum.

by the law of nature; now, upon this account, to impose a law upon mankind to do so too, is weak and dangerous. But yet not only he,[q] but Origen,[r] St. Ambrose,[s] and Sedulius,[t] do argue to the same purpose upon that very ground; most weakly and dangerously exposing married persons to the greater dangers of fornication, and depriving them of all the endearments of society, not considering that those creatures, and those men whose custom was otherwise, or laws different, had "vagam libidinem," or the evil remedy of polygamy. Beasts indeed are so ordered by nature, but without a law; as there is no law for lions to eat flesh, or oxen grass, but yet naturally they do it. A beast may be cruel or lustful, or monstrous and prodigious in the satisfaction of his appetites; but not injurious, or the breaker of any sanction, or laws of justice. There may be "damnum sine injuriâ facientis datum," says the law,[u] and it is instanced in beasts; "Neque enim potest animal injuriam fecisse dici, quod sensu caret:"—"A beast that hath no sense," (that is, no reason,) "or perception of lawful and unlawful, cannot be said to do an injury;"—and therefore is not capable of punishment, because he is incapable of a law. So Justin Martyr, or whoever is the author of the questions and answers placed in his works; τὸ ἐπὶ φαυλότητι πράξεως διαβάλλειν τῶν ἀλόγων τὰς φύσεις, οὐκ ἔστιν εὔλογον. "It is unreasonable to exact of beasts the obliquity of their actions, because they have no reason;" it is therefore as unreasonable to make the law of nature to be something common to them and us.

12. If it be replied, that the lawyers and philosophers mean only, that these material instances, which are common to them and us, are the particulars of the law of nature, and though they be not a law to them, yet the same things which they do naturally, are natural to us, and a law besides, that is, the natural law: besides that this is not usually said by them, we are then never the nearer to know what is the law of nature by this description of it, for all things which they and we do, are not pretended to be laws; as eating and sleeping; and therefore, by what measure any other thing should be a law to us, because they and we do it, is not signified by this definition, or any explication of it. Let us then try the other measures which are usual.

Invited by Consent.

13. The consent of nations, that is, public fame amongst all or the wisest nations, is a great signification of decency or indecency, and a probable indication of the law of nature.

Φήμη δ' οὔτις πάμπαν ἀπόλλυται, ἥντινα πολλοὶ
Λαοὶ φημίζουσι—— HESIOD.

It is not a vain noise, when many nations join their voices in the attestation or detestation of an action; and it looks as if it were derived from some common principle, which seems either to be nature, or contract; and then, as in the first case, they are reasonable,—so, in the second, they are directly obligatory. "Quod apud multos unum invenitur, non est erratum sed traditum," said Tertullian;[x] like that of Heraclitus, τὰ κοινῇ φαινόμενα πιστά,—if it seems so to the communities of mankind, it is genuine, and natural, and without illusion.

14. Now this is true up to many degrees of probability; and yet it is rather an index of a permission of nature, than of a natural obligation; it tells us rather what we may do, than what we must, it being more probable that all nations will not consent to an unnatural thing, that is, will not do violence to nature, than that whatsoever they commonly act should be a necessary law, and the measures of nature, or the indication of her sanctions; and yet it is still more probable that the consent of nations is more fit to be used as a corroborative to a persuasion or a kind of actions, than as the prime motive or introduction. Κράτιστον πάντας ἀνθρώπους φαίνεσθαι συνομολογοῦντας τοῖς ῥηθησομένοις, said Aristotle; and "argumentum est veritatis aliquid omnibus videri," said Seneca; it is a great strengthening and a powerful prevailing argument to have all men consent to our opinions and propositions. But it is in many moral instances as it is in the universal opinion, which all mankind hath concerning jewels, where they consent no man knows how, or why; and no man can give a rational account why so great value should be set upon a diamond, but because it looks prettily and is lasting: and so there are in nature decencies and lasting proportions in moral instances between the conscience and the action; but yet as there is no proper and effective usefulness in diamonds towards the life of man, so neither is there in many instances in which the consent of mankind is very general. And therefore, this is very far short of a law, and is no certain token of a permissive right of nature, much less of a law or obligation. For,

15. (1.) Whole empires have been established and united by violence, and have laws given to them, and they received them in pursuance of the conqueror's interest, and their educations have been formed accordingly. Ninus formed the Assyrian monarchy, and his son was flattered into the reputation of a god, and all the nations under that sceptre consented to the worship of Belus; and all the nations with whom these men conversed, imitated the manners of the "princeps populus," and in their banquets, the most modest of their women used to strip themselves stark naked; and it was counted no indecency, but she was rude and uncivil that did not.

16. (2.) There are some nations so wholly barbarous and brutish in their manners, that from their consent we can gather nothing but thorns and wild briers: they are the words of Porphyry, ἐξ ὧν οὐ προσήκει τοὺς εὐγνώμονας τῆς ἀνθρωπίνης καταψεύδεσθαι φύσεως, "from whom we must not learn to belie and abuse the fair inclinations and sentences of human nature." And therefore, if we go to account by the consent of nations, we must thrust out all wild, savage, barbarous, and untaught people,

[q] Lib. i. contr. Jovin. [r] Hom. 5. sup. 19. Genes.
[s] Lib. i. Comm. sup. Luc. 1. [t] In cap. 5. Eph.
[u] Lib. i. ff. si Quadrupes, sect. 3. [x] De præscript.

νόμιμον ἐθνικόν ἐστιν, οὐχὶ τὸ βαρβαρῶδες· τὸ γὰρ τοῦ ἔθνους ὄνομα νομικῶς εἰρημένον γενῶν συλλήπτικόν ἐστι νόμοις ὑποκειμένων, said Michael Psellus;[y] "We must into the account of the law of nations take them only who are subject to laws, the well mannered people only:" but then this also will be an infinite uncertainty. For,

17. (3.) All nations to the Greeks were barbarous; to the Romans also, all nations but the Greeks and themselves: and to the Jews all were heathens, which to them signified the same thing or worse.

18. (4.) And then which are those nations whom we shall call "Moratiores," wise and "well mannered people?" for this will depend upon our own customs; if they be like our customs, our laws, and manners of living, then we approve them; else we condemn them.

19. (5.) But then let us remember also that civility and fair customs were but in a narrow circle, till the Greeks and the Romans beat the world into better manners. Aristotle says,[z] that, in his time, in the kingdoms of Pontus, which were very near to Greece, divers nations were eaters of man's flesh, such as were the Achæans and Heniochans, and divers amongst the Mediterraneans were worse than they.

20. (6.) The greatest part of the world were undiscovered till this last age; and amongst them the "Jus gentium" was to sacrifice one another to dæmons; for all the old navigations were by maritime towns, and the in-lands either were left alone in their own wilder manners, or it is not known what civilities they had. So that the "Jus gentium" must needs have been an uncertain thing, variable and by chance, growing by accidents, and introduced by violence, and therefore could not be the measure of the law of nature.

21. (7.) Add to these, that the several nations of the world had customs of their own, which commencing upon uncertain principles, have been derived to their posterity, and retained with a religious fancy; becoming natural and proportionable to their fancies and their fears, and they would rather die than do an act of violence to them, and believed it to be the greatest impiety in the world to break them. Herodotus[a] tells a full instance of this in a trial made by Darius to the Indians and Greeks. He asked the Greeks, "what they would take to do as the Indians did, who ate their dead parents[b] and friends, and accounted it the most honourable burial?" they answered, "They would not do it at any price." And when he asked the Indians, "upon what conditions they would be induced to burn the bodies of their fathers, and not to eat them," they desired him not to speak to them of any such horrid impiety as to burn their fathers' carcasses, and to deny to them the honour of a natural burial in the bowels of their dear children.—ἔθος Δαίμων. "Custom is the genius or spirit of a man's actions, and introduces a nature, a facility, a delight, and religion itself. Καὶ γὰρ τὸ εἰθισμένον, ὥσπερ πεφυκὸς ἤδη γίγνεται· ὅμοιον γὰρ τι τὸ ἔθος τῇ φύσει· ἐγγὺς γὰρ τὸ πολλάκις τῷ αἰεί· ἐστὶ δ', ἡ μὲν φύσις, τοῦ αἰεί· τὸ δὲ ἔθος, τοῦ πολλάκις.[b] Custom is as nature, and that to which we are accustomed is like that which we were born. "For that which is often, is next to that which is always." It is nature which is always, that is custom which is frequent. It is possible, that nature, in many things, should be altered, and it is very difficult that custom should, in any thing; we have seen and heard it in a great instance in a few ages last past. For when some of the reformed doctors, by their private authority, did twice attempt it, and the church of Rome did twelve times publicly endeavour it, to get the Greeks to forsake the customs of their churches, and to reform themselves by their copy,—they were all repulsed; and if the Greek prelates should take the people off from their old customs, besides that the great Turk would do them a mischief for complying with the western christians his enemies, the people themselves would endanger all their religion and turn Turks, if they once did learn that their old customs were not necessary religion: and therefore they chose to stick secure in their religion, though allayed with some errors, than, for the purchase of a less necessary truth, endanger the whole religion by taking the people off from their "jura gentis," the "customs of their nation."

22. (8.) Some nations do refuse to admit of some of those laws, which others call "the laws of nature," and such which indeed were given to all the nations of the world.

> ——— Non fœdera legum
> Ulla colunt, placidas aut jura tenentia mentes.
> VAL. FLACC.

And excepting the care of children, to which by natural likeness and endearments we love to be obliged, and so less stand in need to be tied to it by a law, excepting this I say, to which beasts also do as well as we, some wise persons have observed that in all things else we are at liberty, that is, naturally tied to no law.

> Εἰ γάρ τις ἐστὶ κοινὸς ἀνθρώποις νόμος,
> Καὶ θεοῖσι τοῦτο δόξαν, ὡς σαφῶς λέγειν,
> Θηρσίν τε πᾶσι, τέκνα τίκτοντας φίλειν.
> Τὰ δ' ἄλλα χωρὶς χρώμεθ' ἀλλήλων νόμοις.
> EURIP. Dicty.

But the instances will make greater indication of this than any man's affirmative. The Idumæans are thieves and murderers, and will not believe that they do amiss: the manner of their nation is to live very much upon robbery, and plundering merchants; and in Homer's time, there was a nation of pirates; οὐκ ἄδοξον ἦν παρὰ τοῖς παλαιοῖς τὸ λῃστεύειν, ἀλλ' ἔνδοξον, said the scholiast upon Homer's Odyssey τ; "They thought it no disparagement to steal, but an honourable and a glorious thing;" and it is worse now, and hath been growing so ever since Nimrod's time. Men account it lawful to kill and steal, if they do it by nations, by companies, and armies, and navies: and Cato had reason to complain, "Fures privatorum furtorum, in nervo atque in compedibus ætatem agunt, fures publici, in auro atque in purpurâ;"—and particularly A. Gellius[c] tells of the Egyptians that they allow of thefts; and the

[y] In Synopsi LL. [z] Lib. viii. Polit. c. 4. [a] In Thalia.

[b] Arist. Rhetor. l. i. c. 11. [c] Lib. xi. cap. 18.

wiser Lacedæmonians, a sober and a severe people, taught their young men to steal without covetousness; so they pretended, not to enrich themselves, but to encourage them to fight the better by plundering well. Pomponius Mela[d] tells of the Augitæ, a nation in Africa, whose custom it was that every bride should be prostitute to all comers the first night, and she who had entertained most, was most honoured: and Solinus[e] tells of the Garamantici, that they know no marriages; and therefore children only own their mothers, for they can hardly guess at their fathers. And indeed the old world did do such vile things, contracted such base customs, so delighted in wickedness, that as they highly provoked God to anger, so they left it impossible to judge of the laws of nature by the consent of nations. Catullus complains severely of this popular impiety:

> Sed postquam tellus scelere est imbuta nefando,
> Justitiamque omnes cupidâ de mente fugârunt;
> Perfudêre manus fraterno sanguine fratres;
> Destitit extinctos natus lugere parentes;
> Optavit genitor primævi funera nati,
> Liber ut innuptæ potiretur flore novercæ;
> Ignaro mater substernens se impia nato,
> Impia non verita est divos scelerare penates:
> Omnia fanda, nefanda, malo permixta furore
> Justificam nobis mentem avertere Deorum.[f]

"The whole earth grew so impure and degenerous, that they drove justice from them as their enemy: brothers washed their hands in their brothers' blood; the sons mourned not at their father's funeral; and the father wished the death of his eldest son, that he might lie with his son's wife; the mothers would steal secretly into the embraces of their sons; and they feared not to break the laws of hospitality, or custom, or nature, or societies."—Now from hence it will be impossible to derive our customs, and so to suppose them to be laws of nature, which are openly destructive of justice. And upon this last instance it appears that the saying of Polybius will be of no use to us in this question: δεῖ δὲ σκοπεῖν ἐν τοῖς κατὰ φύσιν ἔχουσι μᾶλλον τὸ φύσει, καὶ μὴ ἐν τοῖς διεφθαρμένοις. That "for the laws of nature we must seek amongst them that live according to nature, not amongst them whose natures are depraved by custom;"—since as Andronicus of Rhodes was wont to say, "He lies not that says honey is sweet, though a sick man refuses it as bitter and unpleasant;" so is the law of nature perfect and immutable in those nations who are endued with a sound mind and a sober judgment. This indeed is true, but how this can be reduced to practice, will be found inexplicable, and the thing itself impossible, since the Lacedæmonians, the wisest and severest amongst all commonwealths, permitted such natural injustices, and would breed children upon their own wives by strangers, that they might have a good and a handsome breed.

23. (9.) Some tyrants have made laws to serve their lusts, or their necessities; and these things have come into customs, and laws of nations, and sometimes have been suppressed, or spent in desuetude. It was the case of Seleucus,[g] who, in the necessity of his son Antiochus, gave him his own wife, and made it a law for the future; which thing either was instantly disgraced and rejected, or else St. Paul had not heard, or had not taken notice of it; for he thought it such a fornication as was "not so much as named amongst the gentiles, that one should have his father's wife:" indeed, it was not named "inter cordatiores," or those with whom he had conversed; but in Syria, and in the Pontic kingdom before his time, it had been named, and practised, and passed into a law; and yet that kingdom consisted of two and twenty nations of distinct languages. There was another instance like it spoken of by Cicero,[h] that a woman married her daughter's husband, which exactly was the same undecency and incestuous approach. "Nubit genero socrus, auspicibus nullis, nullis auctoribus, funestis ominibus. O mulieris scelus incredibile, et, præter hanc unam, in omni vitâ inauditum!" Something like St. Paul's ἥτις οὐδὲ ὀνομάζεται, but yet sometimes it was done, and not only before his time, but long after this monition also, as it was in the case of Antonius Caracalla: "Matrem duxit uxorem; ad parricidium junxit incestum:" so Spartianus. Now concerning these things, how can any man from hence take an estimate of the law of nature; for this cannot be of the law of nature, which hath in it so unreasonable and unnatural complications: and yet by what rule shall we judge of nature's law, since the wisest persons, even Socrates and Cato, did such things which they thought fit, and we call unreasonable,—for they gave their wives to their friends, as a man lends his beast for his neighbour's use.

24. (10.) There are some nations so used to a rude unmannerly pride and fierceness, that all civility seems softness and effeminacy. To this purpose is that which Tacitus reports of the son of Phraates the Parthian, who being bred up with Tiberius and efformed into the Roman civilities, was, by the prince his friend, sent to the kingdom of Parthia; but in the young gentleman Vonon there were presently observed easiness of access, a fair civil deportment and affability; "obvia comitas:" but these virtues, being unknown to the Parthians, were "nova vitia;" and because they were unknown to their ancestors, "perinde odium pravis et honestis," the good and the bad amongst them did equally detest them.

25. (11.) Some nations have left their good customs and taken up bad, and have changed their natural reason into unnatural follies, and the basest sins have been very general; and when God warned the Jews to take heed of the manners of their neighbour nations, he enumerates vile lusts, which were the national customs, for which God affirms that he ejected them from their habitations.

26. (12.) Lastly, there is no consent among nations in their customs, nor ever was, until a higher principle made a law and tied it on with penalties; such as were conquest, necessity, contract, reputation, decrees of princes, or the laws of God, or of a religion. νόμος καὶ δίκη ἄνω καὶ κάτω φέρεται διασπώμενα καὶ σπαρασσόμενα,[i] and neither nation with

[d] Lib. i. c. 8.
[e] Cap. 4.
[f] Epithal. Pelei et Thetidos.
[g] Appian de Bel. Syr.
[h] Orat. pro Pluent.
[i] Maxim. Tyr. Dissert. 1.

nation, nor man with man, nor a man with himself does long agree.

27. Indeed there are some propositions which all the world agrees upon, such as are, the immortality of the soul, and that there is a God. Ταῦτα ὁ Ἕλλην λέγει, καὶ ὁ βάρβαρος λέγει, καὶ ὁ Ἠπειρώτης, καὶ ὁ Θαλάττιος, καὶ ὁ σοφὸς, καὶ ὁ ἄσοφος.[k] "The Greek and the barbarian, the Epirot and the maritime, the wise and the unwise, agree in the belief and profession of a God:" but when these things come to manners and customs, they differ infinitely; and as they anciently chose several gods, so they did not agree in the manner of worshipping their gods; some they worshipped by praises, and some by railing, some by giving sacrifice, some by throwing stones; and so it was in other things. Some were observant of their parents,—and some knocked them on the head with clubs when they came to a certain age, as is to be seen in Ælian; and even in the taking care and educating their children, in which nature seems most to have made a law, and signified it with the consent of nations, yet even in this also there was variety, and no universal law naturally established. For some nursed their children, and some did not; sometimes they were left to their mothers without any provision made by their fathers; sometimes the fathers took them from their mothers; but however, yet this cannot be properly derived from a "jus gentium;" for if it be a right or a law at all, it is a "lex singulorum," it "belongs to single persons" and to families, and is common to man and beast, and hath a necessity in nature, as it is necessary to eat or sleep, and is as necessary to families as the other are to single persons: but where there is a necessity, there needs no law, and cannot properly be any.

28. From all which I conclude that the "jus gentium," the law of nations, is no indication of the law of nature;[l] neither indeed is there any "jus gentium" collectively at all; but only the distinct laws of several nations; and, therefore, it is to be taken distributively; for they are united only by contract, or imitation, by fear, or neighbourhood, or necessity, or any other accident which I have mentioned. And in those things in which they have agreed tacitly, or expressly, they have no obligation but what they bring upon themselves, as penalties, forfeitures, obloquies, and the like: which they as easily shake off when they have power, and when it is for their profit; and we see it in those who have killed heralds or ministers of peace and of religion; which we say commonly is against the law of nations; that is, it is against the custom of them, because to do so is to no purpose, a spleenish ineffective malice; and therefore, although of no usefulness, and consequently seldom done, yet it hath been sometimes, and no punishment follows, and therefore it is no law.

29. Now that this opinion may not wholly seem new, I find something of it affirmed by Constantinus Harmenopulus,[m] ἐθνικὸς δὲ νόμος ἐστὶν ᾧτινι ἔθνος ἓν, ἢ ἔθνη χρῶντάι τινα. "The law of nations is that which one or more nations use;"—and he instances in not marrying their nearest kindred, amongst the Greeks and Saurœ, [Sarmatæ, I suppose,] or else to marry them as the Persians use. But this only, where it happens that nations do consent in great proportions, it confirms our assent to the law, and publishes its being natural, in case that of itself it be so.

Prompted by Reason.

30. Cicero[n] defines the law of nature to be, "Vera ratio naturæ congruens, diffusa in omnes, constans, sempiterna:" "That right reason which is consonant to nature, which is in every one always and the same, that is the law of nature:" so he, and from him Lactantius; but that is not exactly true. Right reason is the instrument of using the law of nature, and is that by which, together with the conscience, (which is all reason,) we are determined to a choice and prosecution of it ourselves, or to a willingness of obeying the obliging power. τοὺς θείους νόμους ὑποδέχεται λογισμὸς, καὶ δικαστὴς ἄγρυπνος γίνεται· "Reason entertains the Divine laws of nature, and so is made a most vigilant judge," said Hierocles.—This is that which distinguishes us from beasts, and makes us capable of laws:

> ———Separat hæc nos
> A grege mutorum, atque ideo venerabile soli
> Sortiti ingenium, divinorumque capaces,
> Atque exercendis, capiendisque artibus apti,
> Sensum à cœlesti demissum traximus arce. JUV. Sat. 15.

But reason is not the law, or its measure; neither can any man be sure, that any thing is a law of nature, because it seems to him hugely reasonable; neither if it be so indeed, is it therefore a law. For it is very reasonable that every man should choose his own wife, because his interest is the greatest: that every man should suffer as much evil as he does; that a man be not punished for evils that he cannot help; that every man should suffer for his own fault, and no man for the fault of another; and yet these are not laws in all places where they are reasonable. Pythagoras in Laertius said that which was very reasonable: "Plantæ mansuetæ non nocendum, veluti neque animali, quod non noceat hominibus;" "A man may not hurt a gentle and a sweet plant, much less, a harmless and a profitable beast."—Truly, it is unreasonable a man should; but if he does, he breaks no law by the mere doing such an action. For reason can demonstrate, and it can persuade and invite, but not compel any thing but assent, not obedience, and therefore it is no law.

31. But besides this, reason is such a box of quicksilver that it abides no where; it dwells in no settled mansion; it is like a dove's neck, or a changeable taffata; it looks to me otherwise than to you, who do not stand in the same light that I do: and if we inquire after the law of nature by the rules of our reason, we shall be uncertain as the discourses of the people, or the dreams of disturbed fancies. For some having (as Lucian calls it)

[k] Max. Tyr. Dissert. 1.
[l] See the Preface to the Great Exemplar, n. 23.
[m] Lib. i. tit. 1. Prochir.
[n] Lib. de Republ.

"weighed reasons in a pair of scales," thought them so even, that they concluded no truth to be in the reasonings of men; or if there be, they knew not on which side it stood, and then it is as if it were not at all; these were the Sceptics: and when Varro reckoned two hundred eighty-eight opinions concerning the chiefest good or end of mankind, that were entertained by the wisest and most learned part of mankind, it is not likely that these wise men should any more agree about the intricate ways and turnings that lead thither, when they so little could agree about the journey's end, which all agreed could have in it no variety, but must be one, and ought to stand fair in the eyes of all men, and to invite the industry of all mankind to the pursuit of it.

32. And it is certain, that the basest of things have been by some men thought so reasonable, that they really chose it, and propounded it to others. And this is the less wonder, when we consider, that in defiance of all the consenting reasons, and faith of all the nations of the world, some few single persons, wittier then folly, but not so wise as reason or religion, should say that there is no God: such were Diagoras Milesius, Theodorus Cyrenaicus, Protagoras; and it is thought, Lucian also: but they that think so, must also consequently believe that nothing is dishonest that they can do in private, or with impunity. Some have believed that there is nothing in itself just, but what is profitable: so did Carneades, (whom I before noted out of Lactantius,) and so did Aristippus.

33. Now here it is not sufficient to say, that in this inquest after the law of nature by the proportions of reason, we must exclude all unreasonable, brutish, and monstrous persons. For first the question will return, who those are which are unreasonable? and we are not to reject the opinion upon pretence it is unreasonable, unless we first know some certain measures of reason: now we cannot take our measures of reason from nature; or if we do, we cannot take the measures of nature from reason: that is, if we call men unreasonable because they speak unnatural things, then it must be certain that what is natural or unnatural, is known some other way than by the proportions of reason; for the reason being misled for its disproportion to nature, the laws of nature must be foreknown, and therefore are not to be proved by that which comes after: besides this, I say, the wisest of men in their profession, and such as were no fools in their persons, so far as can appear by all their other discourses, have believed the worst of crimes to be innocent, and to have in them no natural dishonesty. Theodorus allowed of sacrilege, and so do thousands who at this day call themselves christians: Plato allowed adultery, and community of wives; so did Socrates and Cato. Zeno and Chrysippus approved of incest, and so did the Persians: so that we may well say as Socrates to Phædon; "when we hear the name of silver or iron, all men that speak the same language, understand the same thing; but when we speak of good and evil, we are distracted into various apprehensions, and differ from each other and from ourselves." We say as Pilate said of truth, "What is truth?" we cannot tell what is true, and what is good, and what is evil: and every man makes his own opinions to be laws of nature, if his persuasion be strong and violent. Tertullian[o] complained that the old philosophers did so: "leges naturæ opiniones suas facit philosophia." And yet it is without all peradventure, that all laws which are commonly called natural are most reasonable; they are perfective of nature, unitive of societies, necessary to common life, and therefore most agreeable to reason. But if you make an ἀνάλυσις of these, and reckon backward, you cannot wisely and demonstratively reckon from reason, or consent, or natural inclinations, up to natural laws.

But the last clause of the rule finishes this whole question.

Bound upon us by the Command of God.

34. For when God made man a free agent, he by nature gave him power to do all that he could desire; and all that is "jus naturale," "a natural right or power:" and it needs no instances; for it is every thing he could desire in eating and drinking, and pleasures, and rule, and possession: but the law was superinduced upon this. Right is liberty, but law is a fetter: nature is free to every thing which it naturally desires, τὸ ἐλεύθερον τὸ μηδενὸς ὑπήκοον, ἀλλὰ πράττειν ἁπλῶς τὰ δοκοῦντα αὐτῷ, said Dio Chrysostomus: "That is the right of nature, to be free, to be subject to no law, to do absolutely whatsoever pleases us." This is φυσικὴ εὐχέρεια, (as the law calls it,) συγχωροῦσα πράττειν ἃ βούλεται, "A natural liberty permitting us to do what we list."—"Libertatis proprium est sic vivere ut velis," said Cicero;[p] "It is not liberty unless you live as you please:" but servitude is not by nature, therefore liberty is.[q] For where nature hath an appetite, and proper tendency, it cannot deny to itself satisfaction; whatsoever therefore is a law and a restraint to it, must needs be superinduced upon it: which nature herself cannot be supposed to be willing to do; and nothing had power to do but God only, who is the Lord of nature.

——Κρονίων
Ἀνθρώποισι δ' ἔδωκε δίκην, ἣ πολλὸν ἀρίστη. Hesiod.

It was God that gave justice to mankind: he made justice by his sanction.—This was expressly the sentence of Cicero, speaking of the law of nature: "Est recta ratio à numine Deorum tracta, imperans honesta, et prohibens contraria:" and again, "Lex vera atque princeps, apta ad jubendum et ad vetandum, ratio est recta summi Jovis." The law of nature is a transcript of the wisdom and will of God written in the tables of our minds, not an εὕρημα βίου καὶ χρόνου, a product of experience, but written with the finger of God, first in the tables of our hearts. But those tables we, like Moses, brake with letting them fall out of our hands, upon occasion of the evil manners of the

[o] Lib. de Animâ, c. 2.

[p] De Off. lib. i.

[q] Lib. v. D. de statu hominum. Instit. de jure personarum Sect. et libertas.

world: but God wrought them again for us, as he did for Moses, by his Spirit, in all the ages of the world, more or less, by arts of instruction and secret insinuation, by all the ways proportioned to a reasonable nature; till from an inclination it came to a firm persuasion, and so to a law: God, in this, ruling in our hearts something after the manner by which he reigns in heaven, even by significations of what is fit, by inspirations and congenite notices, by natural necessities: but this thing was yet no law till God also had signified it to men, after the manner of men, that is, by discourse and human communications; by something that taught them, and obliged them.

35. The sense of this is, that religion is the first and greatest bond of laws, and necessity is the next: for though many times it prevails more than religion, yet it is not always incumbent; and that, which is necessary to society, is inconvenient in some cases; and when power comes in, and need goes out, there is nothing which can make or continue the law: and it were impossible, that all the world should acknowledge any lawgiver but God; for nothing else could be greater than all mankind, nor be trusted in all cases, nor feared, but he alone. And therefore the heathen princes, when they gave their laws, gave them in the name of a deity. So Numa, Lycurgus, and others; which was not a design to scare fools and credulous people, but in some instances, (excepting only that they named a false god,) was a real truth; that is, in all those things which commanded natural justice, honesty, and decencies: for these were really the laws of the true God.

36. For the law of nature is nothing but the law of God, given to mankind for the conservation of his nature, and the promotion of his perfective end. A law of which a man sees a reason and feels a necessity: God is the lawgiver. Practical reason or conscience is the record, but revelation and express declaring it was the first publication and emission of it, and till then it had not all the solemnities of law, though it was passed in the court, and decreed, and recorded.

37. And this is the perfect meaning of those words of St. Paul, "But for the law I had not known sin;" that is, although by natural reason and the customs of the world I had, or might have, reasons to dislike many actions; yet till the law declared it, I could not call any thing a sin, and if St. Paul could not, neither could the gentiles: their nature was alike, and St. Paul had advantage in education, and yet his nature could not instruct him in the names and differences of good and evil: therefore, neither could the gentiles know it merely by nature. But yet a man may "become a law unto himself:" so St. Paul observes of the gentiles, who, "not having a law, do by nature the things contained in the law, and so become a law unto themselves." So does every man who believes any thing to be necessary, though it be not so: yet "he becomes a law to himself," because, by his conscience and persuasion, he makes to himself a law or obligation: much more might the gentiles do so; in whose nature the aptnesses to justice and disposition to laws were concreated with their understandings. Well might they "become a law unto themselves" in these natural instances; for if opinion can make a law to ourselves in an unlawful matter, much more may it do so in a matter that is so agreeable to our nature, so fitting, so useful, so prepared to become a law, that it wants only the life of authority, sanction, and publication: but though the gentiles became a law unto themselves, by this means, yet their natural reason was not yet framed into a law, till God's authority, either by his express declaration, or by the conscience of the man, that is, directly or indirectly, did intervene: "testimonium reddente conscientiâ," so St. Paul; "their conscience bearing witness:" for either God published these laws by express declaration and voices, or else by imprinting upon the conscience such fears and opinions, that passed upon the man the reverence and obligation of laws. In both these there was variety; though in the latter there was, amongst the better sort of men, a more regular and universal influence and effect: and although it is very probable that all the measures of justice and natural laws of honesty were expressly published to the patriarchs of the great families of the world, yet when some of the posterity lost their tradition, these laws were maintained by more imperfect relations, and kept up by fears and secret opinions which the Spirit of God, who is never wanting to men in things necessary, was pleased, in his love to mankind, to put into the hearts of men, that men might be governed by instruments which would not fail.

38. Thus St. Jerome affirms,[r] that Pharaoh knew his sins by the law of nature: and of this it was that Tertullian affirmed,[s] "Ante legem Moysi scriptam in tabulis lapideis, legem fuisse contendo non scriptam, quæ naturaliter intelligebatur et à patribus custodiebatur: nam undè Noe justus inventus est, si non illum naturalis legis justitia præcedebat? Unde Abraham amicus Dei deputatus, si non de æquitate et justitiâ legis hujus naturalis?" By this the fathers lived, by this Noah was found just, and Abraham the friend of God: for this, though not written in tables of stone, yet it was written in the tables of their hearts; that is, it was, by God, so imprinted in their consciences, that they were, by it, sufficiently instructed how to walk and please God: and this is that which was said by Antigonus, in Sophocles, and which Apollonius did use against the edict of Nero.

Οὐ γάρ τί μοι Ζεὺς ἦν ὁ κηρύξας τόδε,
Οὐδ' ἡ ξύνοικος τῶν κάτω θεῶν Δίκη,
Οἱ τοὺς δ' ἐν ἀνθρώποισιν ὥρισαν νόμους.
Οὐδὲ σθένειν τοσοῦτον ᾠόμην τὰ σὰ
Κηρύγματ', ὡς τ' ἄγραπτα κἀσφαλῆ θεῶν
Νόμιμα δύνασθαι θνητὸν ὄνθ' ὑπερδραμεῖν.
Οὐ γάρ τι νῦν τε καὶ χθὲς, ἀλλ' αἰεί ποτε.
Ζῇ ταῦτα, κούδείς οἶδεν ἐξ ὅτου 'φάνη.

"This is a thing which neither heaven nor hell hath taught by any new or express sanction: for God hath given us other laws. But never did I think that thy commands could ever prevail so, that

[r] Epist. 151. ad Algas. q. 8. [s] Adv. Judæos, c. 2.

it could be possible that thou, being a mortal man, should prevaricate the unwritten and potent laws of God. For these laws are not of to-day or yesterday, but they are eternal, and their principle is secret, and from within."

39. And therefore Philo says, the law of nature is a law, ὑπ' ἀθανάτου φύσεως ἐν ἀθανάτῳ διανοίᾳ τυπωθείς, " engraven in an immortal understanding by an immortal nature." In this whole affair, God is as the sun, and the conscience as the eye: or else God, or some angel from him, being the " intellectus agens," did inform our reason, supplying the place of natural faculties, and being a continual monitor, (as the Jews generally believe, and some christians, especially about three or four ages since,) which Adam de Marisco was wont to call " Elias's crow:" something flying from heaven with provisions for our needs. And the gloss, and Gulielmus Parisiensis, and, before them, Maimonides, from whom, I suppose, they had it,—affirm this to be the meaning of David, in the fourth Psalm, " Offer the sacrifice of righteousness;" it follows, " Quis monstrabit?" " Who will show us any good?" who will tell us what is justice, and declare the measures of good and evil? He answers, " Signatum est super nos lumen vultus tui, Domine," " thou hast consigned the light of thy countenance upon us," " ut scilicet," as it is in another Psalm, " in lumine tuo videamus lumen," " that in thy light we may see light."

40. The effect of all which, is this only,—That God is our Lawgiver, and hath made our hearts to be the tables of the laws of nature, that they might always be there under our eye, legible and clear. It is not a law for being placed there; but God first made or decreed it to be a law, and then placed it there for use and promulgation: and although very many men and nations had no intercourse with God as a Lawgiver, but what they have by the means of their conscience, that is, they never heard God speak, had no prophets, no revelation, and have forgot the tradition of their fathers; yet when God, by ways undiscernible, hath written a proposition there, and that the man does believe any thing to be good or evil: it is true that God is his Lawgiver, because he only is Lord of his conscience: but it is also true, that " he becomes a law unto himself:" that is, he becomes obliged to God by the act of his own conscience; and however it be that his conscience be wrought upon, though by a fancy or a fear, a sad sight or a casual discourse, if it works the conscience into the notice and obedience of a natural law, the meaner the instrument is, the greater is the efficacy of the principal agent. The putting it into the conscience is a sufficient promulgation of the law, however that be done; but nature alone never does it; the express voice of God, tradition, prophets, contract, providence, education, and all sorts of influence from God, and intercourse with man, have their portion in this effect. And when wise men say, " this is naturally understood;" it must mean thus,—naturally men find it reasonable, but not naturally to be a law; naturally they consent to it, but not naturally find it out; or naturally we may be instructed, but not naturally bound: but when God changes science into conscience, then he makes that which is reasonable to become a law.

41. But first or last, this way or another, it became a law only by the authority and proper sanction of God; God is the author of our nature, and made a law fit for it, and sent the principles of that law together with it: not that whatsoever is in nature or reason is therefore a law because it is reasonable, or because it is natural; but that God took so much of prime reason as would make us good and happy, and established it into a law; which became and was called the law of nature, both because, 1. These laws are " in materiâ naturali;" that is, concerning the good which refers to the prime necessities of nature; and also because, 2. Being divine in respect of the Author, the principles of this law are natural in respect of the time of their institution being together with our nature: though they were drawn out by God severally in several periods of the world, who made them laws actually by his command, which in nature are so only by disposition.

42. This latter reason is given by Alphonsus à Castro and by Wesenbech: the former is insinuated by Mynsinger, defining the law of nature to be " quod natura, adeoque Deus ipse, omnes homines in creatione, prima quædam præcepta et formulas honestatis docuit." But the latter of them, I say, is true only of such, as are the prime laws or rather rules of nature, and the general measures of virtue and vice. But as for the particular laws of nature, (which only are properly to be called laws,) we are to look for no other system or collective body of them, but the express declared laws of God which concern morality, that is, all that are given to all mankind without relation to any one period: such is the moral law of the Jews, and such is the religion of the christians; that less perfect, this more perfect and entire: for these in their several proportions are such which are generally for all mankind; and upon this account it is affirmed by Gratian,[t] " Jus naturale esse, quod in lege et evangelio continetur;" " The law of nature is that which is contained in the law and the gospel:"—which saying he had from Isidore.

43. It is necessary that this be rightly understood, because it establishes many certainties in the matter of conscience, and eases us of the trouble of finding out a particular system of natural laws, the inquiry after which hath caused many disputes in the world, and produced no certainty. It is all εὕρημα καὶ δῶρον θεοῦ, νόμος καὶ λόγος, ὀρθὸς λόγος, Διὸς θέσμος, as the Platonists call it, νόμος νοῦ κανομή, " the word of God is the law, a right rule or sentence, and divine law, a law that is the distribution of the mind of God;" and under this come all the precepts of christianity: which was well summed up by him who gave this account of the religion, and the religious that are of it, saying they are " homines conspirantes in communem utilitatem;" and that they mutually make and give σύμβολα περὶ τοῦ μὴ ἀδικεῖν εἰς τὸ μὴ βλάπτειν

[t] Dist. 1. in princ.

ἀλλήλους, μηδὲ βλάπτεσθαι, "Symbols and sacraments to each other, that none shall do or receive injury:" "men conspiring for the good of others:" or, as the Roman soldier was told, "They are men whose profession is to do hurt to no man, and to do good to every man:"—and this is the integral design of the law of nature, so far as it can relate to human intercourse.

44. Νόμος καὶ λόγος. So Christ is called by St. Peter and the Greek fathers, he is the "Word of the Father and the law:" and it is remarkable, this Word or Law of the Father was the instrument of teaching mankind in all periods of the world. He taught the law of nature to all men, and renewed it, and made several manifestations and manners, and at last appeared in the form of a man, and made a perfect body of it to last as long as our nature lasts, and as long as this world and his kingdom abides. When God spake to Adam, to the patriarchs, to the prophets, still he spake by Christ, who was the angel of the Old Testament, and the mediator of the New. He is, therefore, "verbum patris;" by him he signified his laws and righteous commandments, and the law was given, ἐν χερσὶ μεσίτου, "in the hands," that is, by the ministry, "of the Mediator, who is one: that is, Jesus Christ;"—and this Tertullian[u] affirms. "Christus semper egit in Dei patris nomine. Ipse ab initio conversatus est, et congressus cum patriarchis et prophetis:"—and again,[x] "Christus ad colloquia semper descendit, ab Adam usque ad patriarchas et prophetas, in visione, in somno, in speculo, in ænigmate, ordinem suum præstruens ab initio semper: et Deus internis cum hominibus conversatus est; non alius quam sermo qui caro erat futurus:" "Christ in all ages spake to men in the person of his Father, being from the beginning the Word of the Father, which was to be incarnate." The same also is to be read in Justin Martyr against Tryphon the Jew. "Christ, therefore, was the preacher of this righteousness, and at last revealed all his Father's will, which should never receive any further addition, diminution, or alteration." The "novellæ constitutiones," the enlargements and explications made by our blessed Lord, together with the repetition of the old, that is, the christian law, is the perfect code and digest of the natural law. For they all rely upon the fundamental relations between God and us, and the natural intercourse between man and man, and the original necessities and perfective appetites of our own nature.

45. But here it will be necessary to clear that great objection, which will be pretended against this doctrine. For since christian religion is new in respect of nature, and superinduced some things upon nature, and rescinded some of her rights, and restrained her liberty; it will seem impossible that christian religion should be a collected body of the laws of nature; because the law of nature is prime and eternal; which christian religion seems not to be. Now to this I answer:

46. (1.) That it is evident, that all that which any men call the laws of nature, is actually contained in the books of the New Testament. St. Austin, Hugo de St. Victore, and Alexander, say the law of nature hath but these two precepts: 1. Do as you will be done to; and 2. Do not that which you would not have done to yourself.—Isidore reckons into the laws of nature, 1. Conjunction of male and female; 2. Education; and 3. Succession of children: 4. Common possessions; and 5. Common liberty; and 6. Acquisition of things in air, earth, and sea: 7. Restoring the thing that is intrusted; 8. Repelling force by force. These are rights of nature, and natural states or actions, but not laws. There are some laws concerning these things, but they also are in the New Testament.—Cicero reckoned, 1. Religion; 2. Piety; 3. Thankfulness; 4. Vindication of injuries; 5. Observance of superiors; 6. To speak truth.—The lawyers reckon otherwise. The laws of nature are these, 1. To worship God; 2. To live honestly; 3. To obey superiors,—kings, parents, &c.; 4. To hurt no man; 5. To give every one his own; 6. Common use of things as far as it may be; and where it may not, then, 7. Dominion, and 8. Propriety, enter; 9. To take away evil-doers from among men.—And if we observe but the precepts of nature, (for they had no other light which we know of,) which are reckoned by Hesiod, Pythagoras, Theognis, Phocylides, Epictetus, Cato, Publianus, and Seneca, we shall find that they reckon many minute counsels, which are derived from natural principles, but yet stand far off from the fountain: and some which they derive from the rights of nature, not from her laws, but indeed are directly contrary.

——— Semper tibi proximus esto.

So Cato; and

Qui simulat verbis, nec corde est fidus amicus;
Tu quoque fac simules, sic ars deluditur arte.

And that of Cicero, "vindicationem esse honestam," "revenge is justice."—By their own reason, men took their aim at the precepts and laws of nature; but their reason being imperfect and abused, it was not likely they could be exact: none but the wisdom of the Father could do it perfectly. Thus they can never agree in their enumeration of the natural laws: but it is certain, that so many of these as are laws and bound upon us by God, are set down in the Scriptures of the New Testament. For it is not a law of nature, unless God have commanded it to us in, or by, or with, nature and natural reason. Now it is certain, that Christ told us all his Father's will; and the apostles taught all that to the church, which Christ taught to them: and therefore what is not in their doctrine, is not in nature's law, that is, it is no part of the law of God: and if it be certain, that he that lives according to the law of Christ, does please God and do all his duty; then it follows, that either there is no such thing as that which we call the law of nature, and no obligation from thence, and no measures of good and evil there;—or if there be, it is also part of the christian man's duty, and expressed and taught by the Master and Lord of the chris-

[u] Adv. Marcion. lib. ii. [x] Adv. Praxeam.

tians. All that is essentially good, is there; all that by which the world can be made happy, is there; all that which concerns every man's duty, is there; all the instruments of felicity, and the conveyance of our great hopes, is there;—and what other potentiality there can be in the law of nature, than what I have reckoned now, I neither have been taught by any man else, neither can I myself imagine or understand. Here are the general propositions, which are the form, and make the honesty, and the justice of all the particular laws of nature; and what is not there provided for by special provision, or by general reason and analogy, is wholly permitted to human laws and contracts, or to liberty and indifferency, that is, where the laws of nature cease, there the rights of nature return.

47. (2.) But secondly, to the objection I answer, that it will be but weakness, to think that all the instances of the law of nature must be as prime as nature herself: for they neither are so prime, nor so lasting, but are alterable by God and by men, and may be made more, or fewer, or other.

48. This may seem new, and indeed is unusual in the manner of speaking: but the case is evident and empirically certain. For when God commanded Abraham to kill his son; the Israelites to rob the Egyptians and to run away with their goods; he gave them a command to break an instance of the natural law: and he made it necessary that Cain should marry with his sister: and all those laws of nature which did suppose liberty and indistinction of possessions, are wholly altered when dominion, and servitude, and propriety, came into the world; and the laws of nature which are in peace, are not obligatory to other persons in the time of war.

49. For the laws of nature are, in many instances, relative to certain states; and therefore, in their instances and particulars, are as alterable as the states themselves; but the reasons indeed on which they do rely (supposing the same or equal circumstances and the matter unchanged) are eternal and unalterable as the constitution of nature. But, therefore, it was unwarily said of the learned Hugo Grotius, and of divers others before him, that "God cannot change the law of nature."—For, as St. Paul said of the priesthood, "it being changed, there must of necessity be a change also of the law," so it is in the law of nature; the matter of it being changed, there must of necessity also be a change in the law: for although the essential reason may be the same in changed instances, yet that hinders not but the law may justly be affirmed to be alterable; just as the law was under the several priesthoods, in both which the obligation is the same, and so is the relation to God, and the natural religion. Thus when rivers are common, it is lawful for any man to fish, and unlawful for my neighbour to forbid me; but when rivers are enclosed and made proper, it is unlawful for me to fish, and lawful for the proprietary to forbid me; before the enclosure it was just to do that thing, which afterward is unjust; and this is as much a change of a particular law as can be imagined. If it be meant, that while the propriety remains, or the state, the law introduced unto that state is unalterable; then there is no more said of the law of nature than of any positive law of God, or the wise law of any prince; which are not to be altered as long as the same case and the same necessity remains; and it would be to no purpose to affirm so of the law of nature; for the sense of it would be, that while things remain as God established them, they are unalterable. But if God can disannul the obligation, by taking away the matter of the law, or the necessity, or the reasonableness, or the obligation, (and all this he can do one way or other,) it is not safe nor true to say, "God cannot alter the law of nature." He changed the matter in suffering liberty to pass into servitude; he made necessity in one instance, I mean in the matter of incest in the case of Cain, and afterwards took it away: he took away the reasonableness of the sanction by changing the case in the subduction or mutation of the matter, and he took off the obligation in the case of Abraham, and of the Israelites robbing their neighbours.

50. And therefore, the christian laws superinducing some excellencies and perfections upon human nature, and laying restraint upon the first natural laws, that is, upon such which before this last period of the world were laws of nature, is no hard thing to be understood. God in it used but his own right. And I suppose it will be found to be unreasonable to expound the precepts of the religion by the former measures of nature, while she was less perfect, less instructed: but this rather; the former instances of the natural law are passed into the christian precepts, and the natural instance is changed, and the law altered in its material part; the formality of it remaining upon the supposition of a greater reason. Thus to repel force by force is a right of nature; and afterwards it was passed into a law that men might do it; that is, God expressly gave them leave; and although it be not properly a law which neither forbids nor commands, but only gives a leave,—yet, when God hath forbidden men to do violence, and to establish this law the rather, gave leave to any man that could, to punish his unjust enemy that attempted to do him mischief, it may be called a law, in the lesser sense, that is, a decree of the court of heaven by which this became lawful. Though this was passed into a law in the manner now explicated, yet it was with some restraints; which yet were not so great, but they left a great liberty, which was sufficient security against violence. The restraint which God superinduced upon this right of nature, was but "moderamen inculpatæ tutelæ;" it left men defended sufficiently against injuries, though it permitted us to be tied in some lesser instances and unavoidable accidents. But now although christianity hath proceeded in the first method of God, and restrained it yet more, and forbids us to strike him that strikes us, we are not to force this precept into a sense consisting with the former liberty which we call the law of nature; but was at first only a right of nature or a permissive law, but not obligatory; and afterwards suffered some restraints: for that which suffered some, may suffer more: and as the right of

nature was, for its being restrained, recompensed in the provisions of laws, and by the hands of justice, taking it from the private into the public hand: so may this right of nature, when it is wholly taken from us, be recompensed by God's taking the ἐκδίκησις, or "the power of avenging" our quarrels, into his hands.

51. This right of nature being now almost wholly taken from us, part of it is taken up to God, and part of it is deposited in the hands of the civil power, but we have none of it; only by Christ's laws and graces our nature is more perfect and morality is set forward, and justice and all our rights are secured; but yet the law is changed. The like may be said in divers other instances, as I shall discourse in their several places: here it is sufficient to have given the first hint of it, and demonstrated the certainty and reasonableness of it, which (as appears by the instances) although it be especially and frequently true in the "jus naturæ" or the "permissive law of nature," and in those not only God, but men also, may make an alteration; yet even in those laws which are directly obligatory, the power of God who made them, cannot be denied to be equal in the alteration: and indeed he that can annul nature, can also at least alter her laws, which are consequent to nature, and intended only for her preservation.

52. The case seems to be the same with eating and drinking, which God hath made necessary for our life, as justice is to societies: but as he can take away the necessity from this person at this time to eat, and can supply it otherwise,—so he can also conserve human society in the mutation of cases and extraordinary contingencies, as well as in the ordinary effects of justice. Indeed God cannot do an unjust thing; because whatsoever he wills or does, is therefore just because he wills and does it; but his will being the measure of justice, and his providence the disposer of those events and states of things, to which the instances of justice can relate,—when he wills an extraordinary case and hath changed the term of the relation, then he hath made that instance, which before was unjust, now to become just; and so hath not changed justice into injustice, but the denomination of the whole action, concerning which the law was made, is altered from unjust to just, or on the contrary.

53. It is not to be supposed, that the whole law of nature can be altered, as long as our nature is the same; any more than the fashion of our garments can be generally altered as long as our body is of this shape: and, therefore, it is not to be thought, that he that makes a doublet, shall ever make three sleeves, unless a man have three arms,—or a glove with six fingers for him that hath but five; but many particular laws of nature suffer variety and alteration, according to the changes that are in our nature and in our necessities, or by any measure of man or men which God shall superinduce.

> Duo cum idem faciunt, sæpe ut possis dicere,
> Hoc licet impune facere huic, illi non licet;
> Non quod dissimilis res est, sed is qui facit.
> TERENT.

The rule of nature is always the same; "yet one may do what another may not; and sometimes that is lawful which at another is criminal; not because the measure is changeable, but the thing measured suffers variety."—So that, in effect, the sense and extent of truth in this question is this; that although as long as this world lasts and men in it, the law of nature cannot be abrogated, because it is that law which is framed proportionable to man's nature; yet it may be derogated, that is, lessened, or enlarged in instances, changed in the integrity of many of its particulars, made relative to several states and new necessities; and this is that which, in true speaking, does affirm that the laws of nature may be changed. For although there are some propositions and decrees so general, that they are in their nature applicable to all variety of things, and therefore cannot be changed;—yet they are rather the foundation of laws than laws themselves: because a law must be mixed with a material part, it must be a direction of actions, and a bond upon persons, which does suppose many things that can be changed: and therefore, although the propositions, upon which the reasonableness and justice of the law does depend, serve to the contrary instances by analogy, and common influence,—yet the law, being material, does not, and therefore is alterable. But of this I shall give a fuller account in the ninth and tenth rules of this chapter. For the present, I observe,

54. The want of considering this, hath made difficulty in this question and errors in many. Every natural proposition is not a law: but those antecedent propositions, by the proportions of which laws stand or fall, are the measures of laws. They are rules, not laws: and indeed the rules of nature are eternal and unalterable; that is, all those natural and reasonable propositions which are dictates of prime reason, and abstract from all persons, and all states, and all relations: such as are, "God is to be honoured:"—"Justice is to be done:"—"Contracts are to be affirmed:"—"Reason is to be obeyed:"—"Good is to be followed:"—"Evil to be eschewed."—These are the common measures of all laws, and all actions: but these are made laws when they are prescribed to persons, and applied to matter; and when they are, because that matter can have variety, the law also can, though the rule cannot.

55. That we are to restore all that was intrusted to us, is a natural law derived from the rule of doing justice: but this may be derogated and prejudiced without sin. For prescription transfers the possession and disobliges the fiduciary from restitution.

56. By the law of nature relying upon the rule of performing contracts, clandestine marriages are valid and firm: but yet some churches, particularly the church of Rome, in the council of Trent, hath pronounced some marriages void, which, by the rule of nature, and afterwards by a law, were rate and legal; particularly, clandestine marriages, and marriages not clandestine by the ingress of one of the parties into religion, as is to be seen in the eighth session.

57. By the law of nature a testimony under two or three witnesses may stand, but in the case of the accusation of a cardinal-deacon in Rome, they re-

quire the concurrence of seven and twenty; of a cardinal priest, sixty-four; of a cardinal bishop, seventy and two,—and, in England, one shall serve the turn, if it be for the king. In codicils the civil law requires five witnesses. In testaments there must be seven: when a controversy is concerning the eminency and prelation of excellent persons, fifteen are demanded. But if these things may be prejudiced by men, much more may they be altered by God. But this extends itself a little further. For in some of these instances, that which is a law of nature, becomes so inconvenient as to do much evil,—and then it is to be estimated by a new rule; and therefore the whole law is changed, when it comes to have a new measure, and the analogy of a new reason.

58. Upon the account of these premises it follows, that it is but a weak distinction to affirm "some things to be forbidden by God, because they are unlawful; and some to be unlawful, because they are forbidden."—For this last part of the distinction takes in all that is unlawful in the world, and therefore the other is a dead member and may be lopped off. So Ocham [y] affirms against the more common sentence of the schools (as his manner is); "Nullus est actus malus, nisi quatenus à Deo prohibitus est, et qui non possit fieri bonus si à Deo præcipiatur, et è converso;" "Every thing is good or bad according as it is commanded or forbidden by God, and no otherwise."—For nothing is unlawful antecedently to God's commandment. Sin is a transgression of some law, and this law must be made by a superior, and there is no superior but who depends on God, and therefore his law is its measure. There are some things good, which God hath not commanded; but then they are such which he hath commended by counsels, or analogies and proportions. But whatsoever is a sin, is so therefore because it is forbidden; and without such a prohibition, although it might be unreasonable, yet it cannot be criminal or unjust. Since, therefore, all measure of good and evil, in the intercourses of men, wholly rely upon the law of God, and are consequent to his will, although it can never be that we can have leave to be unjust, or unchaste, that is, to do against a law in being with all its circumstances,—yet the law may be so changed that the whole action which was forbidden, may become permitted, and innocent,—and that which was permitted, may become criminal. I instance in the ἀδελφομιξία, or "the conjunction of the nearest kindred," which once was lawful, and ever since is become criminal.

59. The purpose of this discourse is this;—that we look no further for tables of the law of nature, but take in only those precepts, which bind us christians under Christ our lawgiver, who hath revealed to us all his Father's will. All the laws of Christ concerning moral actions are the laws of nature: and all the laws of nature, which any wise nation ever reckoned, either are taken away by God, or else are commanded by Christ. So that christianity is a perfect system of all the laws of nature, and of all the will of God, that is, of all the obligatory will, of all the commandments. In those things where christianity hath not interposed, we are left to our natural liberty, or a "Jus permissivum," "a permission," except where we have restrained ourselves by contract or dedition.

[y] 2. q. 19. ad 3. et 4.
[z] De Leg. i.

RULE II.

The Law of Nature is the Foundation of all Laws, and the Measure of their Obligation.

1. For all good laws, and all justice, hath the same reasonableness, the same rules and measures, and are therefore good because they are profitable,—and are therefore just, because they are measured by the common analogies and proportions:—and are therefore necessary, because they are bound upon us by God mediately or immediately. And therefore Cicero [a] defined virtue to be "perfecta et ad summum perducta natura," or "Habitus animi naturæ modo, rationi consentaneus," [a] "The perfection of nature," or "a habit of mind agreeing to natural reason."—But more expressly and full in his third book de Legibus: [b] "Lex est, justorum injustorumque distinctio, ad illam antiquissimam et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quæ supplicio improbos afficiunt, et defendunt et tuentur bonos:" "A law is the distinction of good and bad, of just and unjust, expressed or fitted to nature, which is the first and the prince of all, and to which human laws are directed for the punishment of evil-doers, and the defence of the good."—And it is evident in all the moral precepts of christianity: all which are so agreeable to a man's felicity and state of things, to which a man is designed both here and hereafter, that a man cannot be happy without them: and therefore they all rely upon some prime natural reason, which reason although possibly some or all of it was discovered to us by revelation and the wise proper discourses of the religion, and was not generally known to men before Christ,—yet the reasons are nothing but consonances to our state and being, introductive of felicity, perfective of our nature, wise, and prudent, and noble, and such which, abstracting from the rewards hereafter, are infinitely eligible and to be preferred for temporal regards before their contraries.

2. Add to this, they are such which some few the wisest of the heathens did teach by natural reason, for aught we know. And there is a proportion of this truth also in all the wise laws of commonwealths. The reasons of which are nothing but the proportions of nature, and the prime propositions of justice, common utility, and natural necessity. And therefore, supposing that every civil constitution supplies the material part or the instance, every civil law is nothing but a particular of the natural law in respect of its formality, reasonableness, and obligation. And all laws of manners are laws of nature:

[a] De Invent. ii.
[b] De Leg. ii.

for there can be but one justice, and the same honesty and common utility in the world; and as a particular reason is contained in the universal, so is the particular profit in the public; "Saluti civium prospexit, quâ intelligebat contineri suam," said Torquatus[c] in Cicero, and so it is in laws. In the observation of the laws of nature, the good of every society and every private person is comprised: and there is no other difference in it, but that in every civil constitution there is something superadded; not to the reasonableness of justice, but it is invested with a body of action and circumstances. "Jus civile neque in totum à naturali ac gentium jure recedere, neque per omnia ei servire; adeo ut cum juri communi aliquid additur vel detrahitur, jus proprium, id est, civile efficiatur," said Justinian:[d] "The civil law neither does wholly recede from the law of nature and nations, neither does it wholly serve it: for when any thing is added or detracted from the natural law, it becomes the civil:" and another; "Leges positivæ repetunt jus naturæ quum leges sive pactiones quæ sunt jura attingunt utilitatem et scopum naturæ;" "The positive laws of a commonwealth repeat the law of nature, when laws and covenants do promote the profit and this design of nature."

3. But from hence it follows that the law of nature is the only rule and measure of all laws, and superinduced laws of God and man are but instances of obedience in those general precepts of nature: and since the law of christianity contains in it all the law of nature, and is now the only law that can oblige us primarily, and others in virtue of it: it is the prime and adequate rule and measure of conscience, and the explication of all its precepts will be a full institution of conscience: to which purpose that saying of Lælius in Cicero,[e] is very pertinent: "Viros bonos appellandos esse putamus, qui assequuntur (quantum homines possunt) naturam, optimum recte vivendi ducem;" "Nature is the best guide and measure of living well; and they who exactly observe her measures as far as men can, are to be called good men."

RULE III.

The first and greatest Band of the Law of Nature is Fear of Punishment.

I HAVE already spoken of this as it is the act and effect of conscience; here I am to speak of it more abstractedly, and as itself hath effect upon human actions; there as it is the minister of the judge; here as it is the sanction of the law.

1. "Omne malum aut timore aut pudore natura suffudit," said Tertullian;[f] fear and shame are the waiters and handmaids of every sin, which nature hath provided for it.—And indeed fear is the band of all laws. For although there is a pravity in the nature of injustice which natural reason hates, proceeding partly from the deficiency from the perfective end of nature and societies, which is served by justice;—partly from the consequent obloquy and disreputation, which all wise men and all talking people put upon it (for they that do it themselves, speak ill of it in others); yet this is but a little. This is a part of the punishment of the breach of the natural law; but not strong enough to make a firm obligation. Now in all laws there must be some penalty annexed, the fear of which may be able to restrain men from doing against the law; which cannot be, unless the evil be greater than the benefit or pleasure of the prevarication can be: and therefore it is, that God establishing this law hath appointed a court within us, a severe judge, who will not spare; a wise discerner, who will not be deceived; an exact remembrancer, which never forgets any thing that can do the greatest mischiefs; a just witness, who will not be suborned, and is conscious and privy to all that which he is to judge; and the same also is the executioner of the delinquent and sinning people.

2. The stings of conscience and fear of the Divine vengeance, is this evil which naturally restrains us; it is the greatest restraint, because it is the greatest of evils, and it is unavoidable, and it is natural. I will not add it is lawful to abstain from evil for fear of punishment, but it is necessary, and it is natural, and that is more, and this is it which Epicurus taught, οὐκ ἄλλῳ τινὶ τῆς ἀδικίας δεῖν ἀπειργεῖν ἢ φόβῳ κολάσεων; which although Plutarch seems angry at, was well enough spoken by him; meaning, that "it is a fear, not of temporal discovery and civil punishment, which is only appointed to restrain evil actions, but a fear of those evils whose apprehension God hath made necessary and congenite with the nature of man;" fear of God's displeasure, and the destruction of our nature and felicities relying upon that natural love of ourselves, and desire of our own preservation, without which a man cannot be supposed sufficiently provided with principles of necessary being and providence.

3. There is another kind of fear of punishment, that is, a fear of those auxiliary punishments which princes and republics have superadded to the breakers of natural laws, which is in some men, who are despisers of all the evils which are threatened hereafter: such as was that of Thrasymachus, in Plato:[g] "Nihil esse melius quam facere injuriam neque pœnas dare, nihil pejus quam pati nec posse ulcisci; medio autem modo se habere justitiam, cum quis nec facit nec patitur: quod ut fiat, esse optabile; sed nempe imbecillibus, quorum proinde interest pacisci aut servare pacta, non autem valentioribus, qui si viri fuerint ac sapuerint, nullatenus pactum de injuriâ non inferendâ accipiendâve sint inituri:" "Nothing is better than to do injury without punishment; nothing worse than to suffer mischief, and to be able to do none again; in the midst of these is justice, which neither does injury, nor receives any, which is much to be desired; but by whom? By none but by weak people. For the stronger, if they be valiant and wise, will never enter into covenants concerning not doing or receiving injury."—According to this doctrine, there

[c] De finib. [d] Lib. vi. ff. de Justit. et jure. [e] De amicit. [f] Apolog. c. 1. [g] 7. de Repub.

should be nothing of itself just or unjust; and if there were, it were not to be regarded, but so long as justice were profitable, and injustice troublesome and dangerous. And therefore, strong men or crafty might, in many cases, be exempt from contracts and from doing justice, and would neither do right nor take wrong.

4. Against this it is that all wise men in the world do speak: "Vos autem, nisi ad populares auras inanesque rumores, recta facere nescitis; et relictâ conscientiæ virtutisque præstantiâ de alienis præmia sermunculis cogitatis," said Boetius,[h] in indignation against all those who took accounts of themselves by public noises, not by the testimonies of a just conscience,—that is, who fear man, but do not fear God. And to do good out of fear of punishment (in this sense) is to do good no longer than I am observed, and no longer than I am constrained: from both which because very many men are very often freed, and all men sometimes, there would be no habit, no will, no love of justice in the world; that is, there would be no virtue of justice, but single actions as it could happen. This would introduce horrid tyrannies, while princes and generals, having power in their hands, might do all things as they pleased, and have no measure but their own private: and all men's conditions under them would be always precarious and arbitrary, and most commonly intolerable: and, therefore, this fear is the characterism of evil persons,

Oderunt peccare mali formidine pœnæ.

And against such, civil laws are made: "Justis lex non est posita," saith St. Paul; "the law is not made for the righteous, but for the wicked."—If the sons of Israel had continued pious as Abraham, Isaac, and Jacob were, the law should not have been given to them as it was upon mount Sinai: but the necessities of men brought a law upon them, and that law a punishment, while good men ποιοῦσιν ἑκουσίως, ἃ ποιοῦσιν ἄκοντες οἱ λοιποὶ διὰ τὸν νόμον, as Xenocrates, in Laertius, said of the philosophers; they do it

Sponte suâ, veterisque Dei se more tenentes,[i]

for the love of God; by choice and delight in the actions of virtue, they do excellent things, "Plusque ibi boni mores valent quam alibi bonæ leges," as Tacitus said of the old Germans; "Good manners prevailed more than good laws." Thus did the patriarchs, and therefore they needed not a law. "Vetustissimi mortalium, nullâ adhuc malâ libidine, sine pretio, sine scelere, eoque sine pœnâ et coercitionibus agebant: neque præmiis opus erat, cum honesta suopte ingenio peterentur; et, ubi nihil contra morem cuperent, nihil per metum vetabantur."[k] Our forefathers desired nothing against honesty and injustice, and therefore were not forbidden any thing by the instrument of fear.

5. But, therefore, the civil and positive law is not made for all those men who have other restraints; that is, for good men who are moved by better principles; but because these things that are better, are despised by the vicious and the tyrants, oppressors and the impudent, the civil power hath taken a sword to transfix the criminal, and to kill the crime. And, therefore, Epicurus, in Stobæus, said not amiss: "Laws were made for wise men, not for fear they should do ill, but lest they should suffer evil from the unjust."

6. And yet even the wise and the good men have a fear in them, which is an instrument of justice and religion; but it is a fear of God, not of the secular judge; it is a fear that is natural, a fear produced from the congenite notices of things, and the fear of doing a base thing; a fear to be a fool and an evil person.

Mî natura dedit leges à sanguine ductas:
Ne possim melior judicis esse metu;

said Cornelia, in Propertius: a good man will abstain from all unrighteous things, though he be sure that no man should hear or see any thing of it,—that is, though there were no laws, and superinduced punishments, in republics; and all this upon the account of such a fear, which a good man ought to have,—a fear of being a base person or doing vile things.

——Imposito teneræ custode puellæ
Nil agis: ingenio quæque tuenda suo est.
Siqua metu dempto casta est, ea denique casta est;
Quæ quia non liceat, non facit, illa facit
Ovid, lib. iii. Eleg.

That chastity is the noblest, which is not constrained by spies and severity, by laws and jealousy: when the mind is secretly restrained, then the virtue is secured. Cicero puts a case to Torquatus: "Si te amicus tuus moriens rogaverit, ut hereditatem reddas suæ filiæ, nec usquam id scripserit, ut scripsit Fadius, nec cuiquam dixerit; quid facies?" Aruncanus dies, and leaves his inheritance to his daughter, Postumia, and intrusts his friend, Torquatus, with it, but privately, without witness, without consignation of tables: will Torquatus, who is a feoffee in private trust, restore this to the child, when she shall be capable? Yes; Torquatus will, and Epicurus will; and yet Cicero had scarce a good word for him, whom he hath fondly disgraced during all ages of the world, weakly and unjustly: but the account he gives of it, is pertinent to the rule: "Nonne intelligis, eo majorem esse vim naturæ, quod ipsi vos, qui omnia ad vestrum commodum, et, ut ipsi dicitis, ad voluptatem referatis, tamen ea faciatis, quibus appareat non voluptatem vos sed officium sequi? plusque naturam, rectam quam pravam rationem valere?" Nature is more prevalent than interest; and sober men, though they pretend to do things for their real advantage and pleasure, yet follow their duty rather than either pleasure or profit, and right nature rather than evil principles.

7. The reason of this is, because nature carries fear and reverence in the retinue of all her laws: and the evils which are consequent to the breach of natural laws, are really, and by wise men so understood to be, greater mischiefs than the want of pro-

[h] De Consol. Philosoph. [i] Æneid. vii. [k] Tacit. Ann. iii.

fit, or the missing of pleasure, or the feeling the rods and axes of the prince. If there were no more in a crime than the disorder of nature, the very unnaturalness itself were a very great matter. St. Basil said well,[1] "Ad omnia, quæ descripta à nobis, à Deo præcepta sunt, consequenda, naturales ab ipso facultates accepimus." God hath given to virtues, natural organs, or bodily instruments; as to mercy he appointed bowels, eyes for pity, hands for relief; and the proper employment of these is so perfective of a man's condition, according to their proportion, that not to employ them according to the purpose of nature is a disease, a natural trouble; just as it is to trumpet with our mouth, which was intended for eating, and drinking, and gentler breathings. It is punishment enough to do an unnatural and a base action; it puts our soul and its faculties from their centre, and the ways of perfection. And this is fully observed by Seneca: "Male de nobis actum erat, quod multa scelera legem et judicem effugiunt, et scripta supplicia, nisi illa naturalia et gravia de præsentibus solverent, et in locum patientiæ timor cederet:" "Mankind were in an ill state of provisions, if those wickednesses, which escape the law and the judge, did not suffer the more grievous inflictions of natural punishment, and fear came into the place of patience;" still fear is the bridle: but it is an honest fear, a fear of God, and of natural disorders and inconvenience. Οὐκ ἐν συμβολαίοις πολιτικοῖς οὐδὲ ἐν ἀπαγορεύσει νόμου, ἀλλ' ἐξ ἰδιοπραγίας, καὶ τῆς πρὸς τὸν Θεὸν ἀγάπης ἡ δικαιοσύνη, as Clemens of Alexandria calls it; "a righteousness not produced by laws and the sword, fear and interest, but from the love of God," and something that is within: there is a fear, but it is such a fear as still leaves the love to virtue, and secures it in privacies, and enjoins the habit and constant practice of it: a fear that is complicated with a natural love of our own preservation, and is constant, and measured by God, and in the natural limit cannot be extravagant; a fear that acknowledges God's omniscience, and his omnipresence, and his eternal justice: and this was the sense of that of Sophocles:

Πρὸς ταῦτα κρύπτε μηδέν, ὡς ἅπαντ' ὁρῶν
Καὶ πάντ' ἀκούων, πάντ' ἀναπτύσσει χρόνος.

"Do nothing basely and secretly; for time's Father sees and hears all things, and time will discover it, and truth shall be the daughter of time;—and that which is done in secret, shall be spoken upon the tops of houses:" so both the christian and the heathen are conjoined in the several expressions of the same great truth. This fear is deposited in conscience, and is begotten and kept by this proposition,—that "God is a rewarder of all men according to their works."

Consequent to this is the love of virtue.

[1] Reg. Fusior. inter. 2.

RULE IV.

The second Band of Virtue is Love, and its proper and consequent Deliciousness.

1. This is not wholly natural, but in much of it is empirical, εὕρημα χρόνου καὶ Θείου· proceeding from the grace of God, and the experience of the deliciousness and rewards of virtue, and the excellency of a greater hope which does entertain our spirits in the outer courts of pleasant expectations: ὅτι ἐκ φιλοσοφίας τοῦτο αὐτῷ περιγέγονε τὸ ἀνεπιτάκτως ποιεῖν ἃ τινες διὰ τὸν ἀπὸ τῶν νόμων φόβον ποιοῦσι, as both Aristotle and Xenocrates did speak. It is the effect of philosophy and religion, of virtuous and severe institutions, to do that for love and without constraint, which fools, and vicious and weak persons, do for fear of laws.

2. Now this, I say, is not natural, that is, although it be agreeable to nature, yet not primarily introduced by it, without a tutor, because nature forbids injustice, but does not command justice,—but secondarily, and by accident, and upon supposition of other contingencies. To do injustice is always a sin, but not to do a justice is not always. For a man may depose the person of a judge, or a trustee, or a delegate; but they who habitually do justice, find the rewards of reputation, and the ease of being freed from the torments of an evil conscience, which is a delicacy, like the being eased of the horrid gripes of the colic; and so insensibly grow in love with justice, that they think they love justice for justice' sake.

Ipsa sui merces erat et sine vindice præda.

3. Concerning which it is fit we consider a little, lest it become the occasion of scruples and nice opinions. Antigonus Sochæus, an old Jew, was famed for saying, "Be not servants who serve their lord, that they may receive a reward from him; but be such who serve him without consideration of wages, or recompences, and let the fear of God be upon you:" Baithus and Sadoc, his disciples, from whom the sect of the Sadducees did spring, not well understanding him, took occasion from hence to deny the resurrection and rewards after this life. And, indeed, such sayings as these are easily abused; and when some men speak great things, and others believe as much of it as they understand, but understand it not at all, they make sects and divide their schools, and ignorance and faction keep the doors, and sit in the chairs sometimes. It is impossible a man should do great things, or suffer nobly, without consideration of a reward; and since much of virtue consists in suffering evil things, virtue of herself is not a beatitude, but the way to one. He does things like a fool, who does it for no end: and if he does not choose a good end, he is worse: and virtue herself would, in many instances, be unreasonable, if, for no material consideration, we should undertake her drudgery: and therefore St. Austin said well, "Sublatis æternis præmiis et pœnis verum staturum à partibus Epicuri:" sensual pleasure were

highly eligible, and not virtuous sufferings, "if in this life only we had hope." But if it be accounted the top of virtue to love virtue for virtue's sake, and without intuition of the reward; many times good men observing, that themselves are encouraged by all God's promises to obedience and patience, and that in martyrdom there is no natural or sensitive pleasure, and that it cannot be loved for itself, but wholly for its reward, will find themselves put into "fear where no fear is," and that a "nequam humilitas," an unworthy opinion of their duty, shall affright their peace and holy confidence. Peregrinus, the philosopher, in A. Gellius, expressed this love of virtue for itself, thus: "Etiamsi Dii atque homines ignoraturi forent;" to do good though "neither God nor men should know of it:"—but as this is impossible in fact, so it is in speculation; for there were no such thing as virtue, if it were not relative and directed to God or man: but yet the thing which they mean, is very good. Good men love virtue for virtue's sake,—that is, they act it and love it, they do it with so habitual and confirmed elections and complacency, that many times they have no actual intuition to the reward; they forget this, they are so taken with that; like a man that chooses a wife upon many considerations, as portion, family, hopes, and beauty: yet when he hath conversed long with her, and finds her amiable and fruitful, obedient and wise; he forgets all other considerations, and loves her person for her own perfections, but will not quit all his other interests. The difference is best understood by variety of motions. Some motions cannot be continued, unless some agent or other do continually urge them; but they are violent and unnatural: others are perfective and loved, and they will continue and increase by their own principle, if they be not hindered. This is the love of virtue,—that is, fear, or, it may be, hope; save that hope is a thing between both, and is compounded of both, and is more commendable than fear. But to love virtue for itself, is nothing else, but to love it directly and plainly; he that loves it only for the reward, and is not, by the reward, brought to love the thing, loves not this at all, but loves something else: but he that loves it at all, sees good in it, because he finds good by it; and therefore loves itself now, whatever was the first incentive: and the wooden arch may be taken away, when that of marble is concentred.

4. (2.) "Vir fortis et justus—in summâ voluptate est et periculo suo fruitur." "When a good man lays before him the price and redemption of his mortality, the liberty of his country, the safety of his friends, he is hugely pleased, and delights in and enjoys his danger. But if he feels not this pleasure, yet without trembling and uncertainty he will dare to die, facere recte pieque contentus; and if you tell him, this reputation which he gets of his citizens, will die almost as soon as he shall die; he answers, all those things are without the nature and consideration of my work: 'Ego ipsum contemplor, hoc esse honestum scio:' I look upon the work itself, and find it honest;"—and that is enough; meaning secretly; that though these outward rewards were pared off, yet there are secret pleasures, which will follow and stick close to virtue, as the shadow does to the body, and this good men must consider, because they feel it, and that is part of the reward.

5. (3.) They are pleased with the virtue itself, and their soul is as much delighted with it, and as naturally, as the eye with beauteous colours, or the throat with unctuous juices, or the tongue with moist sweetnesses. For God hath made virtue proportionable to all the noble ends and worthy desires of mankind, and the proper instrument of his felicity; and all its beauties, and all its works, and all its effects, and all that for which it can be loved, is part of the reward. And therefore, to say a man can love virtue for virtue's sake, and without consideration of the reward, is to say a man can love virtue without any reason and inducement, without any argument to move his affections.

6. (4.) For there can be but two causes of amability in the world, perfection and usefulness, that is, beauty and profit; that in the thing itself, this as it relates to me: now he that says, "a man may love virtue for its own sake without consideration of the reward," says no more than that "a man may love a flower which he never hopes to smell of;" that is, he may admire and commend it, and love to look on it, and just so he may do to virtue. But if he desires either, it is because it is profitable or useful to him, and hath something that will delight him; it cannot else possibly be desired.

7. Now to love virtue in the first sense is rather praise than love, an act of understanding rather than of the will, and its object is properly the perfections of the flower or the virtue respectively: but when it comes to be desired, that is, loved with a relation to myself, it hath for its object other perfections, those things that please and that delight me, and that is nothing but part of the reward or all of it.

8. The question being thus explicated, it follows, that to love virtue for virtue's sake, is so far from being the honour of a good and perfect man, that it is the character of an evil man, if it goes no further. For it amounts to nothing but this, that the understanding is convinced of the worthiness of it,

——video meliora proboque.—— Ovid.

it is that which St. Paul calls "a delighting in the law after the inner man." But it is a relative, material, practical love of virtue that makes a good man; and the proper inducement of that is also relative, material, and practical.

Est profecto Deus, qui quæ nos gerimus, auditque et videt.
Bene merenti, bene profuerit; male merenti par erit;

said the comedian;[m] "God hath so endeared justice and virtue to us, that he hearing and seeing all things, gives good things to them that do good things; but he will be even with the evil man."

9. (5.) Lastly, to love virtue for virtue's sake, is to love it without consideration of human rewards, praise of men, honours, riches, rest, power, and the like, which indeed are the hinges of most men's actions.

[m] In Capt. Plaut.

Cura, quid expediat, prior est, quam quid sit honestum;
Et cum fortunâ statque, caditque fides.
Nec facile invenias multis de millibus unum,
Virtutem pretium, qui putet, esse sui.
Ipse decor, recte, facti si præmia desint,
Non movet: et gratis pœnitet esse probum.
Nil, nisi quod prodest, carum est. OVID.

Now he that is a good man, and loves virtue virtuously, does not love it principally for these secular regards; but without such low expectations, and without apprehension of the angry sentence of the laws: but this does not exclude the intuition of the Divine reward from having an influence into the most perfect love of virtue; for this is intrinsical to the sanction and the nature of the law; the other is extrinsical and accidental. The first is such a reward as is the perfection of the work; for glory is the perfection of grace; and he that serves God for hope of glory, loves goodness for goodness' sake; for he pursues the interest of goodness, that he may be filled with goodness; he serves God here that he may serve him hereafter; he does it well that he may do it better; a little while, that he may do it over again for ever and ever. Nothing else can be a loving virtue for virtue's sake; this is the greatest perfection and the most reasonable and practicable sense of doing it. And if the rewards of virtue were not the great practical inducement of good men's love to goodness, all the promises of the gospel were to no purpose in relation to the faith of good men, and therefore the greatest and the best part of faith itself would be useless: for there is no purpose or end of faith of the promises, but to enable our obedience, by the credibility and expectation of such promises, to do our duty.

10. Now that even good men, even the best men, even all men, have an habitual regard to it, besides that it is impossible to be otherwise, (for he that ploughs, does plough in hope,) and will easily be understood to be so by them who know the causes and nature of things; it appears also in the instance of as good a man as any story reports of; even Moses, who "despised to be called the son of Pharaoh's daughter, because he had an eye to the recompence of reward:" and by the instance of all those brave persons, whom St. Paul enumerates in the eleventh chapter to the Hebrews; "who all died in faith, not having received the promises;" but they looked for better, even such as were to come; and beyond all this, our blessed Lord himself "despised shame and endured the cross;" but it was "for the glory that was set before him."[n] For it is the first and the greatest article of the gentile's creed, "Every one that comes to God, must believe that God is, and that he is a rewarder of them that diligently seek him."

11. The sum is this; although in nature herself, and in the conscience relating to her, there is a court punitive and a fear of God, yet the expectation of reward is rather put into us, than born with us, and revealed rather than natural; and therefore the expectation of good is the second band of natural laws, but extrinsical and adventitious, communicated to us by revelation, and by grace.

[n] Heb. xii. 2, 3.

RULE V.

The Imperfection of some Provisions in civil Laws is supplied by the natural Obligation remaining upon Persons civilly incapable.

1. WHEN laws make provision of cases ἐπὶ τὸ πλεῖστον, in as many things as they can foresee, or feel, and yet some things will emerge which cannot be foreseen, and some contrary reasons will arise; —many times there is no care taken for some things and some persons by any constitutions of man. Here nature, as the common parent of all justice and necessary obligations, takes the case into her protection.

This happens in many cases:

2. (1.) Human laws give measures of things and persons, which fit most men without a sensible error, but some it does not. Young persons are, at a certain age, declared capable of making profitable contracts; at another age, of making contracts that are hazardous; and they must stand to them, though they be mischievous. At one age they may marry; at another, they may contract a debt; at another, they may make a testament; at another, they may be punished with capital inflictions. But in some persons, the malice is earlier and the wit more pregnant, and the sense of their advantages brisk enough: and therefore the contracts which they can make,—and the actions which they do,—and the part which they choose, are really made,—or done, or chosen; but they are not bound to stand to it by the civil law; and yet if they can choose, they are naturally obliged. Both of them are necessary: the civil law cannot provide but by common measures;

Quos ultra citraque nequit consistere rectum. HOR.

All their rules are made by as common a measure as they can, and they are the best rules that have the fewest exceptions: the best carpenters make the fewest chips: but some there must be. But then it is necessary that nature should provide, by single provisions in all the single exceptions; for it is necessary it should be done, and she only can do it. She can do it because nature hath provided and instructed a judging and a discerning conscience; and the person that contracts or receives a benefit, can bind himself to a man as soon as he can bind himself to God; because the laws of God bind all our contracts with men. That is, plainly thus, God's laws provide not only for general cases, but also for particular circumstances; and of every thing God, and God's vicegerent, conscience, can take accounts; and therefore this abundance supplies the other's defect; the perfection of God makes up the breaches of the imperfection of man. Which rule is to be understood both of things and persons. For all our duty is only an obedience to God: and every one that can hope or fear, is bound to this obedience; therefore there can be no gap here: God hath in every thing shut up every person that can use reason, by some instrument or other. And therefore Cicero[o] said

[o] Lib. ii. de lege.

well, "Si regnante Tarquinio nulla fuisset Romæ scripta lex de stupris, tamen contra illam legem sempiternam Sextus Tarquinius vim Lucretiæ Tricipitini filiæ attulit: erat enim ratio profecta à rerum naturâ, et ad recte faciendum impellens, atque à delicto avocans:" "There was no civil constitution against rapes, but Tarquin ought not to have done it: for there was an eternal law against it. For right reason, proceeding from nature, drives us on to good, and calls us off from evil:"—that is, he could not but know it was ill, and against reason, and against every thing by which he ought to be governed; and even to the heathen God was not wanting, but bound these laws upon them by reason, and inclination, and necessity, and fame, and example, and contract, and hope, and fear, and by secret ways which we know not of. He made some inclinations and some reason to become laws, that mankind might not live like beasts and birds of prey: in all cases, and in all times, and to all persons, he became a Lord and a Lawgiver, some way or other.

3. Young persons, of twelve or fourteen years old, can be saved or damned; they can love or hate; they can understand yea and nay; they can do a good turn or a shrewd; they can lead a blind man right or wrong; they can bear true or false witness: and although the civil laws, out of care lest their easiness be abused by crafty people, make them secure from it by nulling the contract, that the deceiving person may not reap the harvest of his fraud, yet there are very many cases in which the minor receives advantage, or at the least no wrong, and though it was fit he should be secured, it was not fit he should be enabled to do a mischief to another, "ut levamen his, aliis sit onus," as St. Paul in a like case, "that they be eased, and others burdened." For although the other contractor be sufficiently warned to take heed of the minor, yet there may be need in it, or charity, friendship, or confidence; all or any of which if they might be deceived, the minor would suffer often, but the other contractor but once. Therefore, as the civil law secures them from harm, so the law of nature binds them to do none, but to stand to such contracts in which they have advantage or equality, and in which they were not abused. The time when they come to be obliged, is the time when they come to the use of reason,—when they understand their duty,—when a prudent man judges them fit to be contracted with,—when they can use fraud to others,—when they can consider whether they be bound or no: these are the best marks and signatures of the time, and declare the obligation in all cases, where there is no deception evident.

4. (2.) Sometimes both parties can contract: but because they, doing it without witnesses, may recede from it, either consentingly or against the will of one of them, the positive constitution of man intending to provide against this inconvenience, hath cut the civil tie in pieces, and refuses to verify the contract, besides that it cannot legally be proved. In this case, nature relieves the oppressed party, and supplies the easiness of the civil band, and strains that hard which the others let loose. And this happens in clandestine contracts: against which, in the matter of marriage, all christian countries have made severe edicts: but in case they be done, in some places they are pronounced valid, in some places declared null. Where they are nulled, nature is defeated in making provisions, and the parties are warranted to do a mischief. For if Mauritius and Cluviena contract marriage, and Mauritius repent his bargain, where shall Cluviena be relieved? The law of the church forbids it, and will punish her for doing it if she complains. The civil law takes no notice of it, for it cannot be legally proved: and the law of nature is barred out, if it be declared null: and then there is nothing left to hold him. It is the case of the church of Rome,[c] who, in the eighth session of the council of Trent, declares all clandestine contracts to be null, and their mixtures to be fornication and uncleanness. But they have overacted their zeal against a temporal inconvenience, and burn their houses to roast an egg; they destroy a law of nature by a law of the church,—against the former practices, counsels, and resolutions, even of their own church. For if those contracts are in themselves naturally valid and not forbidden by God, then they cannot rescind them: if they be not naturally valid, since they were always positively forbidden, why were they esteemed valid for so many ages? For till that council they were so; but finding that the former prohibitions were not strong enough, they took this course to break them all in pieces: and, out of desire to prevent an accidental evil, they made it more ready to be done. For it was before but feared, lest they should recede; but yet if they did, they were esteemed adulterers, if they married again; and they themselves knew, when they were precontracted: and therefore stood convicted and pinched in their own consciences, so long as the old laws remained, and men did not receive warrants to break the most sacred bands in the world: but by this nullifying the contract, they have not only leave to go off, but are commanded; and if they be weary of this, they may contract with another, and there is nothing to hinder them, if nature does not. This nullity, therefore, is a vehement remedy, that destroys the patient; besides that it is against the law of nature. The laws may forbid it to be done: but if it be, they cannot rescind it; because the civil constitution is less than the natural, and convenience is less than conscience, and man is infinitely less than God.

5. (3.) Some pretend to do a greater good; and to do it, break a contract justly made: and if the civil constitution allows it, the law of nature reclaims, and relieves the injured person. This was the case of the Pharisees, who denied to relieve their parents, out of zeal to fill the treasure of the tem-

[c] Navarrus Enchirid. c. 25. Et congregatio Cardinalium, quos talis et tam putidi pudebat decreti, directè negant rem factam aut dictam, et sponsalia clandestina, etiam post concilium, rata manere, sicut et ante. Consuluerunt scilicet, famæ concilii, non propriæ, qui rem tam certam, verba tam plana negare palam non erubuerunt.

ple, and thought that their voluntary religion excused from their natural duty. The church of Rome gives leave to either of the persons, who are married solemnly and contracted rightly, to recede from their vow and enter into religion, and declares the marriage separate and broken. Here nature calls upon the obliged party, and ought to prevail above any other pretence; it being first in possession and faster in obligation: and if it be naturally an evil to break a lawful contract made without fraud, and which is in our power to keep,—then it ought not to be done for any good in the world.

6. (4.) Hither also are to be reduced, obligations by unsolemn stipulations, by command of parents, by intermination of curses, by mere delict amongst persons, against whom lies no civil action, as of servants to their lords, sons to their fathers: concerning which proper accounts are to be given in their own places. Here only they are to be noted in the general observation of cases, in which the law of nature hath made an obligation, when the civil power could not, or would not, or did not, against it.

7. But it is proper to discuss a difficult question, which intervenes upon this rule. The case is this: By the law of nature, every man hath power to make a testament of his own goods; but the civil law requires conditions of every testator, that the testament shall be ratified by so many witnesses, or else it shall be invalid. Sempronius dying, leaves Caius his heir, and gives but a small portion to his son Porcius, but declares this by an unsolemn testament. The like may happen in all donations and actions, to which any solemnities of law are required.

8. Quest. The question is, whether the estate be due to Caius by the law of nature, or is not Porcius the son to be relieved by the civil constitution, which makes the unsolemn testament to be invalid? To this it is commonly answered, that to make a testament is not a law of nature, but a right only; which as a man may himself relinquish, so may the public laws restrain for the public good: for there being so many frauds in pretended testaments, it is necessary that provisions should be made to prevent the infinite evils that may happen. Now whatsoever is necessary, is also just; if the necessity be public, real, and unavoidable by other means: and if it be just, the public power hath sufficient authority to restrain any man's right for every man's good.

9. (2.) Every sentence of the judge in a clear case, that binds in law, does also bind in conscience; but if the judge of civil actions did know that Sempronius really did appoint the stranger Caius his heir, yet, by the law, he were bound to declare for the son Porcius, and that the real unsolemn will of Sempronius were to be accounted nothing: so that, although the law were made to prevent fraud, yet even when there is no fraud, and the judge knows there is none, yet the unsolemn testament is to be declared invalid by the law: which law, because it is just, and for a just cause, and by a competent authority, must bind in conscience by the force of the words of St. Paul: "Let every soul be subject to the higher powers." And therefore, if the law be good, and the judge just, in giving the inheritance from Caius to Porcius, certainly Caius must needs be unjust, if he detains it.

10. (3.) And this very thing is consented to in the canons of the church, which are usually framed, and ever to be presumed, "ubi contrarium non constat," to be more agreeable to the measures of conscience; and yet in the canon law, a testament framed and signed in the presence of two witnesses is not good, unless the parish-priest be present; and that no man can lawfully detain a legacy upon the warrant of such a will.

11. (4.) For since every act of man consists of the potestative and elective faculties, if either will be wanting, or power, the act is invalid. It is not therefore enough, though the will be manifest and confessed; for if the man have no power, his will is ineffective.

12. But this opinion, though relying upon fair probabilities and great authority, is not to be assented to as it lies, but with great caution and provisions. For a right of nature cannot be taken away by a civil power, entirely, and habitually, but only "quoad exercitium actus;" the exercise of the act of that right may, indeed, be impeded for great reasons and to prevent great evils. Since, therefore, the power of making testaments is a natural right, and is wholly suspended in its act to prevent fraud in unsolemn testaments, where the case is evident, and no fraud at all, although the civil law is still valid because it being established upon a general cause, though it fails in a particular it does not fail in the general, and therefore still is rate and firm;—yet because it does fail in the particular, where that is known, there is a port open for chancery, for considerations of piety, and religion. And therefore, although in the case put, Porcius, who is the natural heir of Sempronius, is to take the advantage of the civil law against Caius; yet if Sempronius had made an unsolemn testament in behalf of his natural heir, that ought to have stood in the court of conscience. My reason is, because, in the law of nature, Porcius the son hath as much natural right to inherit, as Sempronius the father hath to make a testament; and therefore, although an unsolemn testament shall not be sufficient to interrupt a natural succession, because the rights of nature on either hand are equal,—yet the civil power can restrain his right, when there is nothing complicated with it: for his own consent is involved in the public constitution, and he may consent to the diminution of his own right, when no duty is infringed, that is, in those things where only his own rights are concerned.

13. When, therefore, any thing of the law of nature is twisted with the right of nature, there is an obligation past which the civil constitution cannot annul. As if Sempronius command his son in an unsolemn testament, in private and without witnesses, to give such a legacy to Titius his nephew; although Titius cannot challenge it by virtue of that testament, yet the son is bound to pay it by the law of nature: for civil constitutions have effect upon a mere right, but none against a duty of nature: and therefore, although the testament of Sempronius shall not pass

into legal, external, judicial warranty, yet it binds the son, and is valid as to him by the law of nature and conscience. And this was rarely well affirmed by Pliny:[q] "Hoc, si jus aspicias, irritum; si defuncti voluntatem, ratum et firmum est. Mihi autem defuncti voluntas (vereor, quam in partem jurisconsulti, quod dicturus sum, accipiant) antiquior jure est;" "If we regard the civil law, such testaments are invalid; yet if we regard the will of the testator, it is firm: but though I know not how the lawyers will take it, yet to me the will of the dead is to be preferred before the law:"—and more fully yet to Antonianus:[r] "Tu quidem pro certa tuâ diligentia admones me, codicillos Attiliani, qui me ex parte instituit hæredem, pro non scriptis habendos, quia non sunt confirmati testamento; quod jus nec mihi quidem ignotum est, cum sit iis etiam notum, qui nihil aliud sciunt. Sed ego propriam quandam legem mihi dixi, ut defunctorum voluntates, etiam si jura deficerent, quasi perfectas tuerer. Constat enim codicillos istos Attiliani manuscriptos. Licet ergo non sint confirmati testamento, à me tamen, ut confirmati, observabuntur;"—"Every one that knows any thing, knows that in law unsolemn testaments are invalid; but I have another law of my own;—if I know it was really the will of the dead, I will verify it though it want the solemnity of law:"—and this also was affirmed by Innocentius, saying, "Electionem quæ juri naturæ consentit, licet non serventur, juris solennitates tenere."[s]

14. And there is great reason and great piety in this sense of the question; for when a duty is any ways concerned, there is something owing to God, which no human power can or ought to prejudice. For it is in testaments, where any duty of any one is engaged, as it is in contracts of marriage, to which every one that can choose, is capable of being naturally obliged; now the relative of the obligation cannot in human courts claim either the advantage of an unsolemn testament, or unsolemn and clandestine contract, yet the relative who is obliged to duty, cannot be so quitted: and therefore the father can oblige a son in duty to perform an unsolemn testament; and every contracted person is bound to perform privately, what the other cannot challenge publicly; and this is not obscurely intimated by the law;[t] "Ex imperfecto autem testamento voluntatem tenere defuncti non volumus, nisi inter solos liberos à parentibus utriusque sexus;"—viz. "nisi liberi in solâ dividendâ hæreditate voluntatem habeant patris."[u]

15. And for the confirmation of all this, it is remarkable, that they, who affirm an unsolemn testament to be utterly invalid, and that the law of nature is no remedy in this case,—yet affirm that it is of force in the matter of piety; as in donations to churches, the poor, and pious uses, as appears in Imola Ananus, Antonius Rubeus, Covarruvias, and others: which concession of theirs could not be reasonable or consistent with their opinion, but that it is made so by the foregoing considerations; which certainly are the best medium to reconcile duty and prudence, the laws natural and civil, the right of a man with the government of a commonwealth, and to state the question between the two parties who earnestly dispute it to contrary purposes.

16. For although the question is probably disputed on both sides,—yet there are on either hand instances, in which the solemnity of the law does, and does not, oblige respectively: which shows, that the probability is, on either hand, right and true; and the thing, as it lies in the middle, hath nothing certain or resolved; but is true or false, as it partakes of differing reasons. Now the reason of the whole is; because the solemnity of law is wholly to be regarded, where there is not a bigger obligation; where God hath not bound, and man hath bound, man is to be obeyed; but where God hath bound directly, there God is to be obeyed, whatever be pretended by men; but if God hath only bound indirectly and collaterally, as if it be a case favourable and pious, there the solemnity of law, which is against it, is not to prevail; but yet is to prevail in the behalf and prosecution of it.

17. Thus if a pupil makes a contract in his minority to his ruin, or signal detriment, he is to be relieved by the advantage of the civil law, which makes his contract invalid, because the person is declared incompetent; and he may lawfully take his remedy; and is not bound by the law of nature to verify it: because he being less naturally capable to contract, the other is, by the law of nature, bound not to do him injury, and take unequal advantages when every man hath equal right: and therefore, if he does prevaricate the natural law of justice which is equality, he also may lose the privilege which the other's action passed unto him; for the civil law declaring that minors shall not be prejudiced, makes up that justice or equality which nature intends. For the minor, with his less portion of understanding, and the defensative and retreat given him by the civil law, is made equal to the contractor who is perfect in his natural capacity. Equality must be done and had. And this is one way of inferring it.

18. Another way is: if the minor receives advantage by the bargain, then there is equality; for the want of his natural capacity is supplied by the advantageous matter, and therefore such contracts are valid, though the one of the contractors be legally incapable. But,

19. (3.) If the bargain gave some advantage on either side, the minor must not take the advantage offered him by the civil law to himself, unless he allow to the other his share of advantage in the bargain: for otherwise there is inequality. But,

20. (4.) Neither one nor the other is to be done, nor the contract to be rescinded, if the person was naturally capable,—that is, unless it be apparent by the consciousness of his own weakness, or the iniquity and folly of the contract, that he was less in nature than the other; and therefore, in this case, the civil law, rescinding the contract of the minor, does declare that he is incapable naturally as well as civilly: and the civil constitution does no

[q] Lib. v. Ep. ad Calvisium. [r] Lib. ii. Epist.
[s] Cap. Quod sicut; de election.
[t] L. hac consultissima C. de testam. [u] Gloss.

way interfere with the natural, but ministers to it; making the natural instance even with the natural reason: for this being always alike, from the first to the last, the instance growing from imperfection to perfection, must in the progression be defended and supplied and be fitted to the other.

21. But in general, the rule is true, which Panormitan affirms, in prosecution of what I have now disputed: "Quando jus civile aliquid disponit contra jus naturæ, standum est juri naturæ:" and in particular to this very instance of unsolemn testaments Pope Alexander III. being asked, whether, according to the custom that was in the diocess of Ostia, a will could be valid, which was not attested by seven or five witnesses at least, gave in answer,[x] "Tales leges à divinâ lege et sanctorum patrum institutis et à generali ecclesiæ consuetudine esse alienas; et ideo standum esse contra illas juri naturali, secundum quod 'in ore duorum aut trium stat omne verbum.'" Which words of his I only admit so far as they are agreeable to the former measures and limitation. For that a word is true, under the test of two or three witnesses, is not a prohibitive law or command of nature; but it was urged by our blessed Saviour to the Jews as a thing admitted to their law, and it is agreeable to the law of nature; but yet not so, but that a greater caution may be, in some cases, introduced by the civil constitution, as I affirmed above:[y] viz. when the innocent and equal state of nature, to which such simplicity or small duplicate of testimonies were sufficient, becomes changed by frauds and artifices of evil men, —or new necessities are introduced, which nature did not foresee, and therefore did not provide for, but God hath provided for them by other means, even by a power given to the civil magistrate.

22. Lastly, to make up the measures and cautions of this discourse complete, it is to be added; that, when the civil laws annul an unsolemn contract or testament, it is meant, that such are to be declared null, when they come into judgment; not that the action, or translation of any dominion, inheritance, or legacy, is "ipso facto" void: and, therefore, he that is possessed of any such, is not tied to make voluntary restitution, or to reveal the nullity of the donation, but to depart from it, when he is required by law: for he hath the advantage of a natural right or power in the donor, and that, being first, must stand till it be rescinded by a competent power; for the whole question being but probable on either side, the possessor, or the donee, hath the advantage till a stronger than he comes and takes away that in which he trusted.

RULE VI.

Sins against the Laws of Nature are greater or less, not by that Proportion, but by the Greatness of the Matter, and the Evil consequent, or the Malice of the Sinner.

1. THIS rule is intended to remedy a greater error, that is in the world, and prevails very much to the abuse of men's persuasions in many cases of conscience;—viz. that all sins, which are unnatural, are the worst: and to be a sin against nature is the highest aggravation of it in the world: which if it were true in "thesi," yet, because when it comes to be reduced to practice, it is wrapped up in uncertain notices, it ought to be more warily handled. For when men have first laid huge loads of declamations upon all natural rights and natural wrongs, and then endeavoured to draw forth a collective body of natural laws, and they have done it by chance or as they please,—they have put it within their own powers to make what things they list as execrable as murder or blasphemy; without any other reason, but that they have called them unnatural sins.

Concerning which these things are considerable:

2. (1.) All sins against nature are no more the most detestable than all sins against God: because if the kind of sins, or the general reason or object of its irregularity, were all that were considerable in this, nothing could be the aggravation of a sin more than this,—that it were against God. Now, because all sins are against God, and yet amongst them there is difference, the greatness of this appellative is not the only thing that is considerable. But this is, that as all sins are against God, so all are against nature, some way or other: and the reason that concludes against every sin, is that reason that is common to all wise men; and therefore it must be also natural: I do not mean, taught us without the help of revelation or institution,—but such as all men, when they are taught, find to be really, and in the nature of things so constituted, to be reasonable.

3. All voluntary pollutions are sins against nature; because they are satisfactions of lust in ways otherwise than nature intended: but they are not, all of them, worse than adultery or fornication. For although all such pollutions are besides nature's provisions and order, yet some of them are more single evils than fornication; which although it be against nature too, because it dishonours the body, yet it is by name forbidden in the commandment, which some of the others are not, but come in by consequence and attendance: and fornication includes the crime of two, which the other does not always; and it is acted with more vile circumstances and follies, and loss of time, and other foul appendages. It is said to be against nature to approach a woman during her natural separations. But if it be a sin, (which I shall consider in its due place,) yet it is of the smallest consequence and malignity; so that for a sin to be against nature, does only denote its material part, or the body of it; but does not always superinfuse a venom and special malignity, or greatness of crime into it, above other sins. But it is according as the instance is. Every sin against the duty we owe to our parents, is unnatural: but they have their heightenings and diminutions from other accounts, and in this they have variety. And it is observable, that there were some laws made concerning some of these and the like instances in the judicial law of Moses; but none in the moral: and, therefore, that the irregularity in some of these

[x] Cap. cum esses de testa. [y] Rule 10. n. 51.

cases, though it hath met with a foul appellative, yet is to be esteemed by more certain proportions than such casual appellations.

4. (2.) The breach of a commandment is a surer rule to judge of sins, than the doing against a natural reason. For there are many things which are unreasonable, which are not unlawful; and some things which are, in some circumstances, reasonable, but yet, in the law, forbidden and irregular; such are all those things which are permitted for the hardness of our hearts. So was polygamy to the patriarchs, and to the Jews. So is the breach of laws by a universal deficiency of the people; which though it be infinitely unlawful, yet, for the unreasonableness in punishing all, it becomes permitted to all. Therefore, to estimate the goodness or badness of an action by its being reasonable or unreasonable, is infinitely fallacious, unless we take in other measures. It is unreasonable that a man should marry when he is fourscore years old; but it is not unlawful. It is unreasonable for an old man to marry a young maiden; but I find no sin in it. Nothing is more against nature than to marry June and December; and it is unnatural to make productions by the mixture of a horse and an ass; and yet it is done without scruple. But, in these and the like cases, the commandment and nothing else is the measure of right and wrong.

5. (3.) When the measure of the commandment is observed, the degree of the sin is not to be derived from the greatness nor smallness of its unreasonableness in its own nature, nor yet by its contradicting a prime or a secondary reason.

The reason of the first is,—because there are no degrees of reason in the nature of things. Reason is an indivisible thing, simple as the understanding; and it only receives increase by numbers, or by complication with matter and relations. It is as unreasonable to think a thought against God, as to kill a man. It is as unreasonable and unnatural to speak against experience, as against a necessary proposition; against a truth in mathematics, as against a truth in Scripture; and in the proper natural reason of things there can be no difference in degrees, for a truth increases not, neither can it decrease.

The reason of the second is,—because that a reason is prime or secondary, is accidental to the case of conscience, or to the efficacy of its persuasion. For before contracts were made or dominions distinguished, it was a prime truth, that such things, as every one seized on, were his own by the priority of title. It was a secondary truth, that every one was to be permitted to his right for which he hath contracted, and which is in his possession. Now these reasons are prime or consequent according to the state of things to which they are fitted, but the reason from thence receives no increment, nor the fact any alteration.

6. And this is also true, whether the reason be known to us with or without a teacher. For the highest truths of God are such, as are communicated by revelation; and it is all one, whether God teaches us by nature or by grace, by discourse or by experience. There is this only difference, that in such truths which are taught, some men can have an excuse, because all are not alike instructed in them; but in those things which are born with us, or are consented to as soon as spoken, it cannot be supposed but all men (that are not fools) know them; and therefore, they can have no pretence of ignorance in such cases: so that sins against prime or secondary truths, against truths original or consequent, truths born or taught, do not differ in the nature of the things, but may cause an accidental difference in the person, and may take from him the excuse of ignorance, and so make the man more sinful; but not the action in itself and in its own nature worse.

RULE VII.

Actions, which are forbidden by the Law of Nature either for Defect of Power, or for the Incapacity of the Matter, are not only unlawful, but also void.

1. This is true in contracts, and acts of donation, in vows and dedition, and all rely upon the same reason. He that cannot give, and he that cannot be given, cannot contract or be contracted with. Titius intends to marry Cornelia's servant, because he desires to have children, and to live comfortably with the wife of his youth. He does so; and in their first access he finds her, whom he thought to be a woman, to be a eunuch; and, therefore, not a person capable of making such a contract: she did ill in contracting, but she hath done nothing at all besides that ill, for the contract is void by the incapacity of the person.

2. Upon this account, the lawyers amongst the causes of the nullities of marriage, reckon "error personæ," "the mistake of the person;" though certainly this is not to be extended beyond the mere incapacities of nature, if we speak of natural nullities. Thus if I contract with Millenia whom I suppose to be a lady, and she proves to be a servant, or of mean extraction, though if she did deceive me she did ill in it, yet if she could naturally verify that contract, that is, do all the offices of a wife, the contract is not naturally void; whether it be void upon a civil account is not here to be inquired: but by the law of nature it is void only if by nature it cannot be consummate. For by a civil inconvenience or mistake the contracts of nature cannot be naturally invalid; because that is after nature and of another consideration, and of a different matter. For that a man's wife should be rich, or free, is no more of the necessity of the contract of marriage, than it is that she should be good-natured, or healthful; with this only difference, that if a man contracts upon certain conditions, the contract is void, if the conditions be not verified; and for those things which are present and actual, he can contract, but not for what is future, contingent, and potential. A man may contract with a maiden to take her for his wife, if she be free, or if she have such a portion; but not upon condition that she shall be healthful for seven years. Because whatever condition can

be stipulated for, must be actual before consummation of the marriage: afterwards it is for better or worse: the want of any such condition is not so great an evil to the man, as it is to the woman to be left after she is dishonoured. So that if it be a thing which can be contracted for, and be actually contracted for, in the destitution of the condition the contract is void. But if there be no such express stipulation made, there is nothing can be made a nullity by nature, but that which is a natural incapacity: and, therefore, if a gentleman contracts with a slave whom he thinks to be a free woman, with a bastard whom he thinks to be legitimate, with a beggar whom he thinks to be a great heiress, the contract is naturally valid; because there is in it all the natural capacity; if she be a woman, if she can be a wife, and can be his, there is no more required to a verification of the contract in the law of nature. By the way I desire it be observed, that to separate or disannul a contract is not the same thing with declaring it to be null of itself or from the beginning. The reason why I insert this here, is, lest the explication of the rule seem infirm upon the account of other instances: for if a man marries a woman whom he took for a maid, and she proves not to be so, by the Mosaic law she was to be separated by death or divorce: but this is not a nullity: but a divorce may be for that cause, which was in being before the marriage, as well as for the same reason after.

3. The other natural cause of invalidity is, when the contract is made by him, who had no power naturally to make it. This happens in case of precontracts. Spurius Fescennius woos a Greek virgin, and obtaining her consent, contracts himself to her, and promises to marry her within a certain limited time. But before the expiration of that time, Publius Niger dies, and leaves his widow young, and rich, and noble; which advantages Fescennius observing, grows in love with them, and in a short time quits his pretty Greek, and marries the rich Roman lady. But being troubled in conscience about the fact, inquires what he hath done, and what he ought to do: and he was answered thus, "If he was married to the Greek, he must return to her if she will receive him, and quit his new lady; because he was not a person capable to contract with her, being married to another; a dead man may as well marry, as that a husband can marry to another, and quit that which had possessed all his former power." For, in all moral actions, there must be a substantial, potestative principle, that must have proportioned power to the effect; a thing cannot be done without a cause and principle in morality, any more than in nature. If a woman goes about to consecrate the holy sacrament, it is χεὶρ ἄκυρος, it is "an ineffective hand," she sins for attempting it, and cannot do it afterwards; and it were wiser and truer, if men would think the same thing of their giving baptism, unless they will confess that to baptize children is a mere natural and secular action, to which natural powers are sufficient; or that women have received spiritual powers to do it; and that whether a priest or a woman does it, is no difference, but matter of order only. If an effect be spiritual, the agent must be so too; if the effect be gracious and precarious, so must the active cause; thus it is in contracts, and donations, which cannot be done without the power of him that does it. But he who hath already given away his power, hath none to act withal: he cannot do one action twice.

4. But this is to be understood only after the actual cession of the power and active principle; not after promises, but after possession. Therefore, if Fescennius was only contracted or promised for the future, though he sinned grievously in afterwards contracting with the other, yet it is valid. For a promise takes not away our dominion in a thing, but obliges us to use it in a certain manner. Bartolus appoints his cousin Ancharanus to be his proctor at a synod, and promises that he will not revoke the deputation: but afterwards does; he is a breaker of promise; but the revocation is good. So it is in testaments, and so in promises. For if, after promise, we have no right in the thing which we have promised, then we have no power to perform it; but if we have a right, then the after-act is valid, because it hath a natural potestative cause; but if the power be past from us, as if Fescennius were married to the Greek, he had not himself to give; for as he in the comedy said of servants,

> Τοῦ σώματος γὰρ οὐκ ἐᾷ τὸν κύριον
> Κρατεῖν ὁ δαίμων, ἀλλὰ τὸν ἰωνημένον. ARISTOPH.

"The man hath not power over his own body, but the master hath;" so hath the wife over the husband, and therefore he hath nothing now to give, and if he does, he does nothing; the man loses his honesty, but the wife does not lose her right. But of the instance I am to speak in its own place. Here only I am to consider the general rule and its reason.

RULE VIII.

When an Act is forbidden by the Law of Nature for the Turpitude and Undecency that it hath in the Matter of the Action, the Act is also void, when the Turpitude remains or hath a perpetual Cause.

1. HE that contracts a marriage with his father's wife, or any marriage in which every illicit act is a new sin, hath not only sinned in making the contract, but the marriage is void by the law of nature; and the reason is, because no man can bind himself to sin; so that here also there is a defect of power: no man can bind himself against God; and the law of nature, whose prime rule is to do good and to eschew evil, cannot verify an act, which prevaricates her greatest principle. Nature cannot give leave to sin against nature; it were a contradiction: for then the same thing should be according to nature, and not according; and this is expressly affirmed in the law;[z] "Quod leges prohibent, si perpetuam causam servaturum est, cessat obligatio: ut si sororem sibi nupturam aliquis stipuletur." He that

[z] L. si stipuletur de verb. oblig.

promises to marry his sister is not bound to verify it; and if he have done it, he is bound to quit her, because every act of conjunction with her is incestuous, and a state of sin cannot be consented to, nor verified by nature, who is an essential enemy to it.

2. This is to be understood only in things forbidden by the law of nature, the eternal law of God, or his positive temporary law; but is not true in things forbidden only by men: the reason of them both is, because no man hath power to contract against a Divine law: but if he have contracted against a human law, his contract is established by a Divine law, and is greater than the human, where the Divine does not intervene by some collateral interest. The law of the church of Rome forbids some persons to contract marriage; and yet if they do, the contract is valid; because the persons being naturally, or by Divine law, capable of contracting, they only sinned who entered against law or leave, but they sinned then only; for the after-actions, being no sins, cannot be invalidated.

3. And yet if the contract be made against a Divine law, it is not invalid, unless the Divine law have a perpetual influence upon the state, or renewed actions. If a Jew did buy and sell upon the sabbath, he sinned against a Divine law; but his contract is valid. He that contracts with a woman of fornications, and lies with her for a price, hath sinned in so doing, but is bound to pay her the price of her lust: because nothing here is against the Divine law but the fornication; but the contract being extrinsical to the nature of the sin, is not made null by that sin: but that which is intrinsically evil, is for ever so, and therefore must be broken in pieces.

4. In all other cases, whatsoever is forbidden by the law of nature, is a sin, if it be done, but it is valid and effective to all purposes of that law. It is against the law of nature to take a great price for a trifle, but if it be contracted for, it must be paid. If a thief makes me promise to pay him twenty pounds the next day; though he sinned against a natural law in doing me that violence, and exacting of me that promise, yet the stipulation must stand.

The sum is this; wherever there is power, and will, and, in the permanent effect, consonancy to the prime measures of nature, there the actions are valid, though they entered at the wrong door.

But he that wants power, let his will be ever so strong, it effects nothing without: it is just like the king that commanded the waves of the sea not to come to the foot of his chair; they came for all his will to the contrary.

He that wants will, wants also an integral part of the constitution of the act, and does nothing.

But when he hath a natural and legal power, and an effective will, yet if the whole state or the after-actions dwell in sin, it cannot be permitted by nature, but must be turned out of doors.

RULE IX.

The Law of Nature can be dispensed with by the Divine Power.[a]

1. I AM willing publicly to acknowledge, that I was always, since I understood it, a very great enemy to all those questions of the school, which inquire into the power of God: as "whether, by God's absolute power, a body can be in two places:" —"whether God can give leave to a man to sin:" —and very many there are of them to as little purpose. But yet here I am willing to speak in the like manner of expression, because the consequent and effect of it goes not to a direct inquiry concerning the Divine power, for it intends to remonstrate, that because God does actually dispense in his own law, this prime law of God, or the law of nature, is nothing else but the express and declared will of God in matters proportionable to right reason and the nature of man.

2. But in order to the present inquiry, it is to be observed that God's dispensation is otherwise than man's dispensation; 1. God is the supreme lawgiver, and hath immediate power and influence over laws, and can cancel these, and impose those, new or old, as he please. By this power it is that he can relax to particular persons their personal obligation, "quod hic et nunc et sic;" and if he does, the law still remaining in its force and power to other persons and in other cases, this is properly dispensation. 2. God is the supreme Lord, and can transfer dominions and take away kingdoms, and give them to whom he please; and when he makes such changes, if he commands any one to be his minister in such translations, he does legitimate all those violences, by which those changes are to be effected: and this also is a dispensation; but improperly. 3. God is also the supreme judge, and can punish and exauctorate whom he please, and substitute others in their room: and when he does so by command and express declaration of his will, then also he dispenses in those obligations of justice, or obedience, or duty respectively, by which the successor, or substitute, or minister, was hindered from doing that which, before the command, was a sin, but now is none: and this also is another manner of dispensation. Some doctors of the law are resolved to call nothing dispensation, but the first of these: and the other under another name shall signify the same thing; but, say they, he only dispenses who takes off the obligation directly, by his legislative power, without using his judicative and potestative,—he who does it as an act of direct jurisdiction, not as a lord, or a judge, but as a lawgiver: now, say they, "God does never, as a lawgiver, cancel or abrogate any law of nature: but, as a lord, he transfers rights; and, as a judge, he may use what instruments he please in executing his sentence, and so by subtracting or changing the matter of the laws of nature, he changes the whole action." To these things I make this reply.

[a] Vide reg. 1. n. 43, 44, &c.

3. (1.) That this is doing the same thing under another manner of speaking. For when it is inquired whether the law of nature is dispensable, the meaning is, whether or no that which is forbidden by the law of nature, may, in certain cases, be done without sin: but we mean not to inquire whether or no this change of actions from unlawful to lawful be that which the lawyers, in their words of art, and as they define it, call "dispensation:" for in matters of conscience, it is pedantry to dispute concerning the forms and terms of art, which men, to make their nothings seem learning, dress up into order and methods, like the dressings and paintings of people that have no beauty of their own: but here the inquiry is, and ought to be, more material, in order to practice and cases of conscience. For if I may by God be permitted to do that, which by the law of nature I am not permitted, then I am dispensed with in the law of nature, that is, a leave is given to me to do what otherwise I might not.

4. (2.) That the doing of this by any of the forenamed instruments or ways, is a dispensation, and so really to be called, appears in the instances of all laws. For if it be pretended, that the pope can dispense in the matter of vows, or a prince in the matter of marriages, which are rate and firm by the law of nature; he cannot do it by direct jurisdiction or by annulling the law, which is greater than either king or bishop: for when a dispensation is given in these instances, it is not given but when there is cause: and when there is cause, the matter is changed; and though the law remains, yet in a changed matter the obligation is taken off; and this is that which all the world calls dispensation, and so it is in the present question; when God changes the matter, or the case is pitiable, or some greater end of God is to be served, that is, when there is cause, God dispenses, that is, takes off the obligation. Here only is the difference.

5. (3.) In Divine dispensations, God makes the cause; for his laws are so wise, so prudent, so fitted for all needs and persons and all cases, that there is no defailance or new arising case which God did not foresee: but because he hath ends of providence, of justice, of goodness, or power to serve, he often introduces new causes of things, and then he gives leave to men to finish his designs by instruments, which, without such leave, would be unlawful. But, in human dispensations, the cause is prepared beforehand, not by the lawgiver, but by accident and unavoidable defect: for, without cause, dispensations are not to be granted; but in both, the dispensation is not without the changing of the matter, that is, without altering the case. God does not give leave to any man to break a natural law, as long as he keeps that natural law in its own force and reason; and neither does a prince or bishop give leave to any subject to break any of his laws when there is no need: for the first would be a contradiction, and the second a plain ruin of his power, and a contempt to his laws: therefore, in the sum of affairs, it is all one; and because actions, generally forbidden by the law of nature, may by God be commanded to be done, and then are made lawful by a temporal command, which he made unlawful by nature or first sanction; this is a direct dispensing with single persons in the law of nature. And to say it is not a dispensation, because God does not do it by an act of simple jurisdiction, but by the intermixture of his dominative and judicial power,—is nothing but to say that God, having made a law agreeable to reason, will not do against that reason which himself made, till he introduces a higher, or another. For while all things remain as was foreseen or intended in the law, both Divine or human laws are indispensable; that is, neither God in his providence, nor men in the administration of justice and government, do at all relax their law. If it be said, a king can do it by his absolute power, though it be unjust; I confess this God cannot do, because he can do no wrong: but if God does it, his very doing it makes it just; and this a king cannot do. But if the question be of matter of power, abstracting from considerations of just or unjust; there is no peradventure but God can do in his own law, as much as any prince can do in his. When the matter is changed, the Divine law is as changeable as the human, with this only difference, that to change the matter of a Divine natural law, is like the changing of the order of nature; sometimes it is done by miracle; and so is the law also changed, by extraordinary dispensation; but this, although it can happen as often as God please, yet it does happen but seldom as a miracle; but, in human laws, it can and does often happen, and therefore they are to be dispensed with frequently: and sometimes the case can so wholly alter, and the face of things be so entirely new, and the inconvenience so intolerable, that the whole law must pass away into desuetude and nullity; which can never happen in the Divine natural law; because the reason of it is as eternal as nature herself: and can only be interrupted by rare contingencies of God's procuring, as the order of nature is by miracle; but will revert, because nature will return into her channel, and her laws into their proper obligation.

6. (4.) But now to the matter of fact that God hath dispensed not only by subtraction or alteration of the matter, but by direct jurisdiction,—that is, as he is a Judge, and a Lord, and a Lawgiver, even in all the ways, in which dispensations can be made, —appears in several instances.

7. (1.) That the marriage of one man and one woman is by the law of nature, appears by the institution of marriage, and by Christ's revocation of it to the first sanction. It was so from the beginning; and if any thing be a law of nature, that is one by the consent of all men: and yet Moses permitted divorces; and God, and Moses, his servant, permitted polygamy, when there was no necessity, no change of the matter or of case, but only that men had a mind to it. For if the conjunction of male and female was established "in singulari conjugio" at the first, when there might be a greater necessity of multiplying wives for the peopling of the world, then as the world grew more populous, the necessity could less be pretended; therefore, this must be an act of pure jurisdiction: the causes

of exception or dispensation grew less, when the dispensation was more frequent, and therefore it was only a direct act of jurisdiction. Though I confess that to distinguish dominion from jurisdiction, and the power of a judge from that of a lawgiver, I mean when both are supreme, and the power of a lord from them both, is a distinction without real difference; for as he is our lord he gives us laws, and judges us by those laws: and, therefore, nothing is material in this inquiry, but whether the action can pass from unlawful to lawful; though because lawyers and other schools of learning use to speak their shibboleth, I thought it not amiss to endeavour to be understood by them in their own way. So again, that brother and sister should not marry, is supposed to be a law of nature; but yet God dispensed with it in the case of Cain and his sister: and this he did as a lord or as a lawgiver; he made it necessary to be so, and yet it was not necessary he should make it so; for he could have created twenty men and twenty women as well as one: but that which is incest in others, was not so in him; but there was no signal act of dominion or of judicature in this, but it was the act of a free agent; and done because God would do so; whether this be jurisdiction or dominion, let who can determine.

8. (2.) But in some things God did dispense by changing the matter, using that which men are pleased to call the right of dominion. Thus God did dispense with Abraham in the matter of the sixth commandment; God commanded him to kill his son, and he obeyed, that is, resolved to do it, and willed that which in others would be wilful murder. Now God was lord of Isaac's life, and might take it away himself, and therefore it was just: but when he gave Abraham command to do it, he did not do it but by dispensing with him in that commandment. It is true that God, by his dominion, made the cause for the dispensation; but yet it was a direct dispensation; and it is just as if God should, by his dominion, resolve to take away the lives of the men in a whole nation, and should give leave to all mankind to kill all that people as fast as they could meet them, or when they had a mind to it: and this was the case of the sons of Israel, who had leave to kill the Canaanites and their neighbours. God dispensed with them in the matter of the sixth and eighth commandments: for it is not enough to say, that God, as lord of lives and fortunes, had divested them of their rights, and permitted them to others: for that is not enough, that God, as Lord, hath taken away the lives, and liberties, and possessions of any man, or community of men: for that act of dominion is not enough to warrant any man to execute the Divine decree; nay, though God hath decreed and declared it concerning a crime that it shall be capital, yet a man must have more than this to make it lawful to put that man to death. He must be a minister of the Divine jurisdiction; he must have a power intrusted to him from God, and a commission to execute the Divine sentence; and from hence it follows undeniably, that since the delegate power is a delegate jurisdiction, and without this, a man may not put a capital offender to death; that, therefore, the Supreme Power from whence the delegation is commissionated, is also a power of jurisdiction; and therefore, if the words of their own art are true, this leave given to do that which, without that leave, were a sin against the law of nature, is properly and truly a dispensation.

9. (3.) The third way of dispensing is by applying the power of a judge to a certain person or community, and, by way of punishment, to take from him what cannot be taken from him but by superior power, or by the supreme; thus we are commanded, by the law of nature, to give nourishment, and to make provisions for our children; but if our children prove rebellious and unnatural, God can command us to neglect that duty, and to expose them to the contingencies of fortune. It is, by the law of nature, commanded to us to love and honour our parents, to be loving and kind to our children; but if parents enticed their children to idolatry, their children might lay their hands upon them, and stone them to death. It is a command and a prime rule of the law of nature, that we should do as we would be done to: but even in this original rule and great sanction, God did dispense with the Israelites, for they might not exact upon one another by usury; but to strangers they might: what they hated to have done to themselves, they were willing and expressly permitted to do to others. In these and the like cases, although an act of dominion or judgment might intervene, yet that is not enough to warrant the irregular action; there must be an act of jurisdiction besides, that is, if God commands it, or, by express declaration, warrants it, then it may be done. Thus God as a judge, and being angry with David, intended to punish him, by suffering his concubines to be humbled by his son in the face of all Israel: but though he did it justly, yet because Absalom had no command or warrant to do what God threatened, he was criminal. But Jeroboam and Jehu had commissions for what they did, though of itself it was otherwise violent, unjust, rebellious, and unnatural; and therefore, did need the same authority to legitimate it, by which it became unlawful. God often punishes a prince by the rebellion of his subjects; God is just in doing it: but he hates the instruments and will punish them with a fearful destruction, unless they do repent; in this case, nothing can warrant the subjects to strike, but an express command of God.

10. Thus, I conceive, the thing itself is clear and certain: but for the extension of this, the case is yet in question, and it is much disputed amongst them that admit this rule in any sense, how many laws of nature can be dispensed with: for if all, then the consequents will be intolerable; if not all, by what are they separated, since they all seem to be established by the bands of eternal reason. Some say that the precepts of the second table are dispensable, but not the first; but that is uncertain, or rather certainly false; for if God did please, he might be worshipped by the interposition of an image; or if he essentially should hate that, as in-

deed in very many periods of the world he hath severely forbidden it; yet the second commandment and the fourth have suffered alteration, and in some parts of them are extinguished. Others say that the negative precepts are indispensable; but not the affirmative. But this is not true; not only because every negative is complicated with an affirmative, and every affirmative hath a negative in the arms of it, but because all the precepts of the second table, the first only excepted, are negative; and yet God can dispense with all of them, as I have already proved.

11. But though it be hard to tell how far this dispensation and economy can reach, and to what particulars it can extend, because God's ways are unsearchable, and his power not to be understood by us; yet since our blessed Saviour hath made up a perfect system of the natural law, and hath obtained to himself an everlasting kingdom, so that his law must last as long as the world lasts, and by it God will govern mankind for ever; by the eternal reasonableness and proportions of this law, we can tell what is indispensable and what not: and the measure by which alone we can guess at it, is this,—every matter from whence the "ratio debiti," or "cause of the obligation," can be taken, is dispensable. Now because God is supreme over all his creatures, and can change all their affairs, and can also choose the manner of his own worship, therefore in these things he can dispense.

12. But in that essential duty, which his creatures owe to him, the case is different; for though God can exact more or fewer instances of affirmative duty, these or others, yet there cannot be an alteration of the main relation; and of the intrinsic duty, and the intercourse of the soul with God in the matter of the principal affections, there can be no dispensation. It is eternally and indispensably necessary, that we love God: and it were a contradiction that either God should command us to hate him, or that we could obey him if he did. For obedience is love; and, therefore, if we obeyed God commanding us to hate him, we should love him in hating him, and obey him by our disobedience.

13. Now if it be inquired, to what purposes of conscience all this inquiry can minister; the answer to the inquiry will reduce it to practice; for the proper corollaries of this determination of the question are these.

14. (1.) That our duty to God is supreme; it is only due to him; it cannot be lessened, and ought not, upon any pretence, to be extinguished; because his will is the only measure of our obedience; and whatsoever is in nature, is so wholly for God and for God's service, that it ought to bend, and decline from its own inclination to all the compliances in the world which can please God. Our reason, our nature, our affections, our interest, our piety, our religion, are, and ought to be, God's subjects perfectly; and that which they desire, and that which we do, hath in it no good, no worthiness, but what it derives from the Divine law and will.

15. (2.) That, in the sanction of the Divine laws, the reason obliges more than the letter: for since the change of the reason is the ground of all mutation and dispensation in laws, it is certain that the reason and the authority, that in the thing, this in God, are the soul and the spirit of the law: and though this must not be used so as to neglect the law when we fancy a reason, yet when the letter and the reason are in opposition, this is to be preferred before that. If the reason ceases, it is not enough of warrant to neglect the law; unless a contrary reason arises, and that God cannot be served, by obedience in that instance: but when the case is not only otherwise but contrary to what it was before; let the design of God be so observed, as that the letter be obeyed in that analogy and proportion. It is a natural law, that we should not deceive our neighbour; because his interest and right is equal to any man's else: but if God hath commanded me to kill him, and I cannot, by force, get him into my hand, I may deceive him whom God hath commanded me to kill; if, without such a snare, I cannot obey the command of God. But this is but seldom practicable, because the reasons, in all natural laws, are so fixed and twisted with the accidents of every man's life, that they cannot alter but by miracle, or by an express command of God; and therefore we must, in the use of this rule, wholly attend upon the express voice of God.

16. (3.) It hence also will follow, that if an angel from heaven, or any prophet, or dreamer of dreams, any teacher and pretendedly illuminate person, shall teach or persuade to any act against any natural law, that is, against any thing which is so reasonable and necessary, that it is bound upon our natures by the Spirit of God and the light of our reason,—he is not to be heard: for until God changes his own establishments, and turns the order of things into new methods and dispositions, the natural obligations are sacred and inviolable.

17. (4.) From the former discourses it will follow, that the Holy Scriptures of the New Testament are the light of our eyes, and the entire guide of our conscience in all our great lines of duty; because there our blessed Lord hath perfectly registered all the natural and essential obligations of men to God, and to one another; and that in these things no man can or ought to be prejudiced; in these things no man is to have a fear, but to act with confidence and diligence, and that concerning the event of these things no man is to have any jealousies; because since all the precepts of Christ are perfective of our nature, they are instruments of all that felicity of which we can be capable, and by these we shall receive all the good we can hope for: and that, since God hath, by his holy Son, declared this will of his to be lasting, and never more to be changed by any succeeding lawgiver, we must rest here, and know that no power less than God can change any thing of this, and that by this law we shall stand or fall in the eternal scrutiny.

RULE X.

The Law of Nature cannot be dispensed with by any human Power.

1. The reason is, 1. Because nature and her laws have both the same author, and are relative to each other, and these as necessary to the support and improvement of human nature, as nourishment to the support of human bodies: and as no man can create new appetites, or make hay or stones to be our nourishment; so neither can he make, that our nature should be maintained in its well-being without these laws. 2. The laws of nature, being bound upon us by the law of God, cannot be dispensed withal, unless by a power equal, or the same, or superior to that which made the sanction: but that cannot be at all; therefore neither can they be dispensed with at all, unless it be by God himself. 3. Natural laws are all the dictates of natural reason; and he that dispenses with the law, must have power to alter the reason, which because it can never be done but by superinducing something upon nature greater than her own natural need, and none can do this but God; therefore none but he can dispense.

2. But because wise men[b] have publicly said it, "Per jus gentium et civile aliquid detrahitur de jure naturali;" "by the law of nations and the civil laws, something may be diminished from the law of nature," it is to be considered what truth they could signify by those words: for unless by some instances of case they had seen it lawful, it is not to be supposed it could have been, by so wise persons, made sacred. But the following measures are its limit.

3. (1.) Whatsoever is forbidden by the natural law, cannot be permitted by the civil; because where the highest power hath interposed, there the inferior and subordinate hath no authority; for all it hath being from the superior, it cannot be supposed it can prejudice that, from whence it hath all its being; for if it could be otherwise, then either the inferior must be above the supreme, or the supreme must submit itself to what is under it.

4. (2.) Whatsoever is commanded by the law of nature, cannot be forbidden by the civil law; for God, who is here the lawgiver, is to be heard; and he sets up no authority against himself, nor gives any man leave to disobey him. These rely upon the same reasons, and are described above.

5. (3.) That which the law of nature hath permitted, and no more, may be made up into a civil law, or it may be forbidden, according to that rule in the law, "Quod licitum est ex superveniente causâ, mutatur:" "That which is only lawful by a supervening cause, may be changed." For rights are before laws in time and nature; and are only such licenses as are left when there are no laws. Commands and prohibitions of nature not being the matter of civil laws, unless it be by way of corroboration; there can no laws be made in a natural matter, unless there be restraints or continued permissions of their first rights. For that which, in morality, we call "indifferent,"—in nature we call "a right;" that is, something that is permitted me to do or to use as I see cause for, is a thing upon which no restraint is made; that is, there is no law concerning it: but, therefore, the civil law may restrain it, because the liberty and its use may do mischief, and there is no law hinders it to be disposed by men. For if I may, by my private power or interest, use any of it, or deny myself the use of it, much more may the civil power do it. I might not do it myself, if any law of God had forbidden me; but if no law of God hath forbidden, what can hinder but that the civil power may order it? such are natural liberty, community, powers of revenge, of taking any thing, of killing any man that injures me.

6. (4.) That which is confirmed by the law of nature, may, by the civil power, be altered and dispensed with: which happens in two cases.

1. When the obligation supposes a foregoing act of the will, and is arbitrary in one of the terms of relation. Titius owes a thousand pounds to Caius, and by the essential or natural laws of justice is bound to pay him; but because this supposes a private right in Caius, upon whom there is no restraint but he may use it, or let it alone; therefore Caius, being at his liberty, may refuse to use his power of demanding the money of Titius, and forgive it him; and if he do, Titius, although bound by the natural law to pay him, is, by the private power of Caius, dispensed with. Because in obligations, as in arguments, if there be one leg that can fail, the conclusion is infirm. If one part can be loosed, the continuity of the whole is dissolved.

2. The other case is like this, when the obligation is upon a condition, if the condition of itself fails or be annulled by any just power or interest, the obligation which was introduced by the law of nature, can be rescinded or dispensed with: for nature binds and looses according to the capacity of the things. It passes a temporal band upon temporal reasons and necessities, and an eternal band upon that whose reason can never fail, and where the necessity is indeterminable. And if a natural law could bind longer than that reason lasts for which it did bind, then a natural law could be unreasonable, which is a contradiction. But then if the law does not bind in this case beyond the condition; then it is but improperly to be called a dispensation, when it is relaxed; but it is usual to call it so, and it is well enough, for it means this great direction to conscience, that though the law of God be eternal, yet its obligation may cease in the foregoing cases: for even judges are said to dispense by interpreting the law and applying that interpretation to particulars.

7. (5.) The civil law can extrinsically change the natural law. For things may be altered or cease by an intrinsic or by an extrinsic cause. A father ceases to be a father when he dies, and he ceases to be a father if all his children die; this alteration is by an extrinsical cause; but to all effects and purposes it is the same as to the present case. Now, though nature cannot die, as species do not perish; yet nature may change, as individuals may die: that

[b] L. Manumissiones. et I. jus civile, ff. de justitiâ et jure et in sect. jus autem. Instit. de jure Natur. Gentium et Civili.

is, if the matter of the law be subtracted, or so changed that it is to be governed with another portion of reason, then the law also must cease as to that particular. For as in the body of man there is great variety of accidents and mutability of matter, but all that variety is governed by the various flexures of the same reason, which remains unchanged in all the complications and twistings about the accidents, and is the same though working otherwise: so it is in the laws of nature; whose reason and obligation remains unchanged, even when it is made to comply with changing instances; but then it cannot but be said to change, even as eternity itself hath successive parts by its co-existence with variety of times. Tribonianus swears fealty to Tarquinius Priscus, king of the Romans, and to his heirs for ever; by the laws of nature he is now obliged, but if he and his son Sextus be deposed and murdered, and a new government established in another form or in another time,—the law of nature cannot bind him to that which is not, and therefore he is disobliged.

8. The sum is this; when natural and prime laws are in prime and natural instances whose matter is unchangeable,—there the law of nature cannot be prejudiced by any but by the Lord of nature: and the reason of this is no other but the necessity and constitution of nature: God hath made it so, and it is so to be served, so to be provided for, and the law is a portion of the eternal law, an image of the Divine wisdom, as the soul is the image of the Divine nature. But when the natural laws are in a matter that can be prejudiced, and do presuppose contract, cession, condition, particular states, or any act of will, whose cause is not perpetual, the law binds by the condition of the matter; and the eternal law goes from its own matter as the immortal soul does from the body. Thus we say, that God's gifts are without repentance, and his love never fails, and his promises are for ever, and yet God does take away his gifts, and does repent of his loving-kindnesses, and takes away his love, and will not give what he had promised; but it is not because he changes in himself, but the correlative of his actions and promises are changed.

9. So that now, upon this account, the whole question and practice about the pope's power in dispensing in the natural law, will appear to be a horrible folly, without any pretence of reason; and the thing, by its chiefest patrons, seems not at all to be understood. For since the rules of nature are unalterable and eternal, the law being framed upon those rules complicated with matter, and persons, and events, is also eternal, excepting only where the matter is or can be changed. Now if the matter be in prime instances, as the conjunction of sexes, relation of parents and children, &c. the law is the same for ever; only this, if the matter, by a miracle or extraordinary act of God, be changed, by the same power the law is to be changed: but as we say rivers and seas run for ever, and yet Jordan was opened and so was the Red sea, and the perpetual course of the sun and moon was once stopped, but it reverted when the extraordinary case was past: so it is in the law of nature, which, in the prime instances and natural matter, is as unalterable as the course of the sun and seas.

But, 2. Sometimes the matter changes alone, or is changed to our hand, as in conditional contracts, and in this case the law ceases, and the obligation goes off as to that particular.

But, 3. Sometimes the matter is changeable by the will of the interested persons, and by none else but themselves, and they who have over them the power which themselves have: such as God, and under him, the supreme human power, their own princes. Now to apply this to the question of the pope's power in giving dispensations; I consider that,

1. To establish his power upon any words of Scripture, is to pretend that his power of dispensing is an act of jurisdiction and direct authority, that is, that he hath commission to do it with or without reason or cause founded in the thing itself, but only because he will: and he that does so, says he can do more than (as many of the most learned Roman doctors say) God can do; for he dispenses in the law of nature in no case, but when he changes the matter, in the prime or second instances of nature respectively, which when the pope can do, he also may pretend to a commission of being lord of nature: but it is certain, that for this there are no words of Scripture. But, 2. If this power of dispensing be such as supposes the matter already changed, that is, that there is a just cause, which is of itself sufficient, but is not so to him who is concerned, till it be competently declared,—then all the dispute will be reduced to this, whether he be the most probable doctor? for to expound when a natural obligation ceases, is not an act of power, but of wisdom; and that the pope is the wisest man, or the only wise man, it is also certain that there are no words of Scripture to affirm it. But besides this, in cases of this nature, there needs no dispensation; for the law ceases of itself; as in contracts made upon condition, when the condition is not performed. In human laws, where the subject is bound more by the authority than the matter of laws, the law may still be obligatory after the ceasing of the reason or matter of the law; and so there may be need of dispensation: but we speak here of laws bound on us by God and nature, in which the very ceasing of the matter, of itself, dispenses with the law. But, 3. If it be yet more than this, and that in a changeable matter, I mean, in things that are not prime instances of nature, and of lasting necessity, but in human contracts, promises, laws, and vows, which depend upon the pleasure and choice of men, but yet are corroborated by the law of nature, he pretends to a power of altering the case so as to make way for dispensation; then the pretence reaches to this, that the pope must be lord of actions and fortunes, and the wills of others and the contracts of men; that is, in effect, that no contract shall be valid unless he please; and no man shall choose for himself; or if he does, he needs not stand to it; and no man can have a right transferred to him by a contract, but it can be rescinded against the will of the interested person, and if he can have any

such power to do thus much mischief, then justice will be the most contingent thing in the world; and the question will not be a question of theology, but of empire, and temporal regard, and therefore for this no words of Scripture can be pretended, because no words of Scripture of the New Testament ever did transfer an empire, or temporal power, to a spiritual person for a spiritual reason; so that this will be a question of war, not of peace and religion. To which I add this, by way of provision; that although supreme princes have, in some cases, power to rescind contracts of their subjects,—and parents, of their children; yet this is only, in their own circuits, done by mutual consent, in case of public necessity or utility, of which, by reason and the laws, they are made competent judges: which the pope also may have in his temporal dominions as well as any other prince: but this is not dispensation, but the annulling of contracts or promises; it makes them not to be at all, not to cease after they have a being, which is the nature of dispensation, of which we now inquire. But the matter of this question, and the particular instance, as it relates to the bishop of Rome, is of another consideration.

10. (6.) The civil law can add to the law of nature:—not only new obligations by affixing temporal penalties; but by requiring new circumstances to corroborate and consummate an action; not that the civil law of a prince or republic can annul any thing which nature hath confirmed, but it can hinder it from passing into a civil and public warranty. Thus a clandestine contract is valid by the law of nature; and in the court of conscience there are witnesses, and judges, and executioners, and laws, and penalties, to exact the performance of it; but when the civil or ecclesiastic law hath commanded, that in all contracts of marriage there should be witnesses, it must mean, that the contract shall not be acknowledged for legitimate, unless there be; and therefore, that the contract must be solemnly published, before it be civilly firm. No civil power can so enjoin witnesses, as that, if the contract be made without witnesses, it shall not be obligatory in conscience. For this obligation is before the civil law, and is bound by that power, by which the civil power hath a being. But the civil power, which cannot annul the act of nature and conscience, can superinduce something upon it. It cannot make the contractors to go back from what they have done, but to proceed to something more, that what was firm in the inward, may be confirmed in the outward court. By our laws, the clandestine contract is civilly null before publication; but in our religion, we believe it obligatory in conscience, and that it must come into publication. But by the laws of Rome, the whole contract is nullified, and the persons disobliged, and the marriage after consummation is dissolved. This is against the law of nature, but the other is a provision for it by additional security, that is, a taking care that the contracts of nature may not be denied.—For the confirmation of a natural contract nothing is necessary but a natural capacity not hindered by the Lord of nature.—Whatsoever, therefore, is superinduced upon nature, cannot disannul that, to which all things competently necessary are ingredient; a condition brought in by a less power cannot invalidate that, which, before that condition, was valid: but as civil powers derive their authority from natural laws and reason, so to these they must minister, and they may do it by addition and superfetation; but they may not violate them by irritation.

RULE XI.

That the Obligation to a natural Law does cease in any particular, is not to be presumed by every one, but is to be declared by the public Voice.

1. This depends upon the foregoing discourses, and is consequent to them. For the several dispensations in the law of nature being wrought by the change of their subject matter, the rule can never be changed; because that is eternal, and is abstract from matter; but the law may be dispensed with, because that is twisted with matter, which is not eternal. But then, because the several matters of laws can be changed by several powers respectively, that power which alters the matter, and consequently dispenses with the law, must, by some evidence or other, make the change apparent. If God by his power alters the case, and dispenses in the law, he also is to declare it: because he must do more; for he must give expressly a leave to do proportionable actions; he having bound us to the law of nature, leaves us so till he tells us otherwise: and the same also is the case, if the matter be changed by man; for by the law of nature we being bound to obey laws and perform contracts, must remain so bound, till he that holds the other end of the string, lets it go or tells us it is untied: because he hath an interest in it, which must not depend upon the reason of another; but upon that which is common to both. For although we all agree, that every rule of nature is unalterable, and every law is to be observed, yet in every thing where a change can be pretended, every man's reason is equal; and therefore is not to be made use of in relation to others. For we all agree that theft is evil; but whether this action or this detention be theft, men's reasons oftentimes cannot agree: and since every man's reason hath the same power and the same privilege, no man's single reason can determine, because there is no reason why yours more than mine. But therefore it is, that there must be some common reason to declare the case, and the man to be at liberty, and the law to be loose.

2. This hath no other variety in it, but this, that although the public voice must declare concerning those instances, that concern that matter of laws natural which is in her keeping, as God is to do in those, in which only he hath immediate power, yet every private man can declare the obligation of a natural law to be loose, when he holds one end of the string. If, by a natural law, Caius be tied to do me an act of kindness and justice, it is my right; and as long as I will demand it, I hold the band of

the natural law in my hand; but if I let it go, and will quit my right, the obligation is off, because the matter is subtracted. The reason of all is the same. No man is a good judge in his own case, where there is the interest of another twisted with it: and it is unequal, that my reason should govern my neighbour's interest; or that his should govern mine: this would be an equal mischief, and therefore something indifferent to both must turn the balance, that there may be equal justice and equal provision. But if a man will quit his right, there is no wrong done. He can sufficiently declare his own will and the acts of kindness; and then the law that combines with the matter, takes the same lot.

RULE XII.

The Exactness of natural Laws is capable of Interpretation, and may be allayed by Equity, Piety, and Necessity.

1. WHATSOEVER can be dispensed withal, is either dispensed with by an absolute power of jurisdiction, or for some cause in the nature of the thing: and if the laws of nature can cease to oblige without reason, but by the will and the command of the Supreme, of God himself, much more may the same will and power do it, when there is also a reason: and if there be a reason to take off the obligation wholly in some particulars, then much rather may there be a cause to take off some part of the exactness upon a proportionable cause; if it may be dispensed with, it may also be interpreted by equity; for this is less than that in the same kind. Every man is bound to restore his neighbour's goods, when they are demanded; but if he calls for his sword to kill a man withal,—there is equity in this case, and I am not guilty of the breach of the natural law, if I refuse to deliver him the sword, when he is so violent and passionate. To pay debts is a natural law; but if a rich man calls for a sum of money which is his due, and I, by paying him to-day, shall be undone, and he, by staying till next week, shall not be undone,—I do not break the law of nature, if I detain the money a little longer, and offer him satisfaction for the wrong, if he have received any. I promised my brother to see him upon the ides of March; in my journey to him I broke my leg; now though I, by the natural law, am bound to perform promises, and it is possible, that for all my broken leg I might get to him by the time, yet there is equity in it and piety that I forbear to go with so great an inconvenience. "Surgam ad sponsalia, quia promisi, quamvis non concoxerim: sed non, si febricitavero: subest enim tacita exceptio, si potero, si debebo:" said Seneca.[c] There is an equity and a reasonableness in all these things. "Effice, ut idem status sit, cum igitur, qui fuit, cum promitterem." If the case be, when I am to perform, as it was when I promised, then I am bound "pro ratâ portione," that is,

2. (1.) If it become impossible, I am wholly disobliged.

3. (2.) If it become accidentally unlawful, I am dispensed with.

4. (3.) If it become intolerably inconvenient, I am in equity to be relieved. For in these cases it is no breach of promise, but I am just if I desire to do it, and in the degree in which I am disabled, in the same I am to be pitied. "Destituere levitas non erit, si aliquid intervenerit novi. Eadem mihi omnia præsta; et idem sum." "It is not levity when I am the same; but my powers and possibilities are changed or lessened."—

But this is to be understood and practised with these limitations:

5. (1.) Not every change of case can excuse, or lessen, or alter the obligation, but such a change as makes the person pitiable, or the thing more vexatious to the doer, than it could be of advantage to the other.

6. (2.) If the cause does not continue, the first equity does not disannul the obligation, but defers it only, and it returns when the cause ceases.

7. (3.) The obliged person, as he is not wholly disobliged for the time, so neither for the thing itself; for if it be matter of interest, though without violation of nature's law it may be deferred, and does not bind the man to a guilt, yet it does to a new duty, the duty of giving satisfaction to him who suffered injury: for since, in the law of nature, all men's rights are equal, it is unnatural and unjust that to one there should be remission and ease, and to the other a burden. For no man is to be better by the hurt and injury of another.

8. (4.) If the cause be less, or if it be more, it ought not to be done, unless an interpretative leave be justly or reasonably presumed. In a great matter every man is presumed so charitable as to be willing to comply with his brother's need or sad accident. But if it be less, then the interpretative leave must be presumed upon the stock of friendship or experience, or something upon which wise men usually rely. Only in this case, the presumption ought to be less confident, and more wary.

9. This rule is to be understood principally in matters of justice, and relative intercourses: for in matters of religion and sobriety the case is different; because, in natural religion and natural measures of sobriety, which are founded "in primâ naturâ," in the very constitution of man's soul and body, in the first laws of God, and the original economy of the body;—the matter is almost as unalterable as the rule.

[c] L. iv. De Benef.

CHAPTER II.

OF THE LAW OF NATURE, OR OF ALL MANKIND, AS IT IS COMMANDED, DIGESTED, AND PERFECTED, BY OUR SUPREME LAWGIVER, JESUS CHRIST, VIZ. OF THE CHRISTIAN LAW, THE GREAT RULE OF CONSCIENCE.

RULE I.

When the Law of Jesus Christ was established, the Old Testament, or the Law of Moses, did no longer oblige the Conscience.

1. The doctors[a] of the Jews say, that, at the command of a prophet, that is, of one that works miracles, it is lawful to break any commandment, that only excepted, which is concerning the worship of one God. Thus at the command of Joshua[b] the children of Israel brake the precept of the sabbath at Jericho, and Samuel[c] and Elijah[d] offered sacrifice in places otherwise than the law appointed, and the priests in the temple did kill beasts and laboured upon the sabbath, and yet were blameless: and "circumcisio pellit sabbatum," was their own proverb; on the sabbath they circumcised their infants, and the prophet Jeremy was author to the Jews "in secundâ domo," that is, after they were taken captive, that they should change their computation by months, and not begin with Nisan.

2. For God, being the supreme Lawgiver, hath power over his own laws,—as, being a Creator, he hath over his own creation; he that gave being, can take it away: and the law may be changed, though God cannot. For God is immutable in his attributes, but his works have variety, and can change every day; as light and darkness succeed each other, and summer and winter, and health and sickness, and life and death, and perfect and imperfect; and he that commanded all men not to kill, might give a commandment to Abraham that he should kill his son; and when he had established the law of Moses, it was in his power, without any imputation or shadow of change, to give the world a new law, and a better.

3. To this purpose our blessed Lord was endued with power from on high to give a new law; for he was a great Prophet, and did many and mighty miracles, and advanced the spiritual worship of the only true God; and brought men from childish and imperfect usages, to the natural, spiritual, manly, and perfective manner of worshipping God; and therefore it was necessary that a change should be made: for in Moses's law the rites were troublesome and imperfect, chargeable and useless, not able to wash away sins, nor to perfect the spirits of the saints; it exhibited nothing substantial, but by shadows pointed at the substance to be revealed afterwards: it was fitted to the weakness of imperfect people, and in some very great instances was exceeded by the lives and piety of some excellent persons, as Moses and David, who by humility, meekness, forgiveness, and charity, did acts of piety beyond the precepts of the law, and many did not divorce their wives, and yet by their law all were permitted to do it: for it might be said of Moses as by the lawgiver of whom Origen[e] speaks, who, being asked if he had given to his citizens the best laws, answered, *ὅτι οὐ τοὺς καθάπαξ καλλίστους, ἀλλ' ὧν ἠδύναντο τοὺς καλλίστους*, "not absolutely the best, but the best he could, considering the incapacity and averseness of his citizens:" so did Moses; he gave a better law than ever was before, and the best which that people and the state of things could then bear: but it was but for a time, and the very nature of the law required a better to succeed it, and therefore he that came and gave a better, was not to be rejected, because he disannulled the worse: *εἰ δὲ οὗτοι πρὸς τὸν κατὰ φύσιν λεγόμενον μέσον βίον ἀφορῶντες, καὶ ἃ προσίοιντ' ἂν καὶ οἱ πολλοὶ, οἷς τὰ ἐκτὸς ὡς τὰ ἀγαθὰ ἢ κακὰ, καὶ τὰ τοῦ σώματος ὡσαύτως ὑπείληπται, νομοθετοῦσιν, τί τὶς τὸν τούτων παραφέρων νόμον ἀναιρεῖ βίον*; "if other lawgivers (saith Porphyry[f]) regarding that middle kind of life, which is said to be according to nature, and to those things of which men are capable, who esteem things good or evil by proportions of the body, have given laws symbolical, yet what hurt does he, that brings in better?"

4. (1.) For first it is certain, God himself did permit some things in Moses's law, which himself had no pleasure in: I instance in the matter of divorces, of which God, by the prophet, said, "I hate putting away."

5. (2.) The promises of Moses's law, in which the whole obedience was established, and for which it was exacted, were wholly temporal and related to this life; and when the prophets and holy men of the nation began to speak openly of resurrection from the dead, and a life to come, it was an open proclamation of the imperfection and change of that law, by which nothing of that was promised and nothing at all spoken of, by which mankind should, by obeying God, arrive to that felicity, which all wise men did suppose God did design to him.

6. (3.) Although good things for this life were promised by the law of Moses, yet toward the end and expiration of it, the nation suffered a new dispensation of things; and the godly men were often

[a] Talmud. tit. de Synedrio. [b] Josh. vi. 15.
[c] 1 Sam. vii. 10. and xiii. 8. [d] 1 Kings xviii. 38. [e] Adv. Cels. 3.
[f] Lib. i. de non esu anim.

persecuted, and the whole nation continually baffled, and subdued by him that would; by the Assyrians and Chaldeans, by the Persians and by Antiochus, by the Syrians and the Romans, and therefore it was necessary they should expect some better covenant, which should be verified in the letter, and make recompence for the calamities which their best men here did suffer.

7. (4.) The laws of Moses were such, which were not of things naturally and originally good, but which did relate to time, and place, and person; but it was a law, without which many ages of the world did live, and after it was established, it did only bind that people; for neither did Moses persuade his father-in-law Jethro to receive that law,—neither did the prophet Jonas persuade it to the Ninevites,—nor the prophets ever reprove the not observing it, in the Assyrians, or Egyptians, the Idumeans and Moabites, the Tyrians and Sidonians, or any of their neighbours, whose vices they oftentimes reproved severely: and the best men of the first and second world, Abel and Enoch, Noah and Melchisedec, Shem and Job, Abraham and Isaac, Jacob and Joseph, knew nothing of it, and yet were dear to God: but if the law had consisted of essential, prime, and natural rectitudes, it had been always and every where; and if it consist not of such, it is not fit to be lasting, but itself calls for a change when all the body and digest of laws, excepting some few that were before that law and shall be for ever, either were experiments of their obedience, or significations of some moral duty implied in the external ritual, or compliances with a present necessity, and to draw them far from imitation of the vile customs of the nations, or were types and shadows of something to come thereafter.

8. (5.) The law of Moses was a covenant of works, and stipulated for exact obedience; which because no man could perform, and yet for great crimes committed under Moses's law there was there no promise of pardon, no solemnity or perfect means of expiation,—by the nature of things, and the necessity of the world, and the goodness of God, a change was to be expected.

9. (6.) That their law and covenant should be changed was foretold by the prophets; particularly by the prophet Jeremiah,[g] "I will make a new covenant with you in those days, and in your minds will I write it:" and when God had often expressed[h] his dislike of sacrifices, in which yet the greatest part of the legal service was established, God does also declare what that is which he desires instead of it; even no other than the christian law,[i] "That we should give to every one their due, and walk humbly with God;" that they should obey him, and "give him that sacrifice of a contrite and a broken heart:" and if this be not sufficient indication of the will of God for the abolition of the Mosaic law, then let this be added which was prophesied by Daniel, "The Messias shall cause the sacrifice and the oblation to cease."

10. (7.) It was prophesied[k] that, in the days of the Messias, the gentiles also should be the people of God; but, therefore, they were to be governed by a new law; for Moses's law was given to one people, had in it rites of difference and separation of themselves from all the world, and related to solemnities which could not be performed but in a certain place, and a definite succession and family; which things being the wall of partition and separation, because Christ hath taken away or confounded in an inseparable mixture and confusion, God hath proclaimed to the Jews, that Moses's law is not that instance of obedience, in which he will be any longer glorified.

11. From these premises the pretence of the Jews for the eternity of Moses's law will be easily answered. For whereas they say that God called it an "everlasting covenant," it is certain that even amongst the Jews, the word "everlasting" did not always signify "infinitely," but to a "certain definite period." For the law relating to the land of their possession, in which God promised to them an everlasting inheritance; as their possession of the land is everlasting, so is the covenant, and they expired together: for all the demonstrations of the Spirit of God, all the miracles of Christ and his apostles, all the sermons of the gospel, all the arguments which were taken from their own books, could not persuade them to relinquish Moses's law and adhere to Christ: and therefore, when all things else did fail, God was pleased to give them a demonstration which should not fail; he made it impossible for them to keep Moses's law; for he broke their law and their nation in pieces. But as to the word "everlasting" and "eternal," it was usual with them to signify but to the end of a life, or of a family, and therefore much rather of a nation. The band of marriage is eternal, but it dies with either of the relatives: and the oath of allegiance is for ever, but that "for ever" is as mortal as the prince. Thus also in Moses's[l] law, "The servant whose ear was bored, should serve for ever," that was but till the year of jubilee: and Hannah[m] carried up her son to the temple when he was weaned, "that he might abide there for ever:" thus the priesthood of Phinehas was said to be for ever; but God who said that he "and his posterity should walk before the Lord for ever," did put a period unto it in Eli.[n] But besides this, it is observable that the law and covenant of Moses, according to the manner of speaking of that and other nations, is used to distinguish it from the more temporary commands which God gave to persons and to families, and to the nation itself in the wilderness, which were to expire, as it were, with the business of the day, but this was to be for ever, even as long as they enjoyed a being in the land of their covenant: for thus we distinguish the laws of peace from the orders of war; those are perpetual, to distinguish from the temporality of these.

12. These arguments are relative to the Jews, and are intended to prove the abrogation of Moses's law against them. But to christians, I shall allege the words and reasons of the New Testament, so far

[g] Jer. xxxi. 31, &c. [h] Psal. l. and li. and xl. [i] Isaiah i. Jer. vii. Micah vi.
[k] Jer. xxiii. Isaiah xliii. Malach. i. [l] Exod. xxi. 6. [m] 1 Sam. i. 22. [n] 1 Sam. ii. 30.

as the thing itself relates to conscience. For not only the Jews of old, but divers christian bishops[o] of Jerusalem, fifteen in immediate succession, did plough with an ox and an ass, and were circumcised; the converted Pharisees, the Ebionites, the Cerinthians, and the Nazaræi still did believe that Moses's law did oblige the conscience: and amongst us there are or have been a great many Old-Testament divines, whose doctrine, and manner of talk, and arguments, and practices have too much squinted toward Moses.

13. But against all such practices or pretences I produce the decree of the apostles at Jerusalem in the question of circumcision; the abrogation of which disannuls the whole law: "For I Paul say unto you, if ye be circumcised, ye are debtors to keep the whole law:" therefore, by a parity of reason, we are not debtors to keep the law, when that great sacrament and sanction of the law is annulled. To this purpose are those frequent discourses of the Holy Scriptures of the New Testament: "The law and the prophets were until John; since that time the kingdom of God is preached:"[p] where the two terms of the law and the gospel are expressly described; John the Baptist being the common term between them both, so that "now we are not under the law, but under grace;"[q] "we are dead to the law," and, that band being separate, "we are married to a new husband, even to Christ:" "who is also our High Priest, after the order of Melchisedec, not after the order of Aaron;"[r] but then, "the priesthood being changed, there is made, of necessity, a change also of the law;"[s] for this was not to last but till Christ's coming, "for the law was given but till the seed should come:" till then, "we were under the law as under a schoolmaster, but when faith came, we are no longer under this pædagogy;"[t] it was but "until the time appointed of the Father:" and to this purpose St. Paul spends a great part of the epistles to the Romans and Galatians. For one of the great benefits which we receive by the coming of Christ, is, that we are now treated with by a covenant of faith, that is, of grace and pardon, of repentance and sincere endeavours; the covenant of Moses being a prosecution of the covenant of works, can no longer oblige, and therefore neither can the law; for the law and the covenant were the constitutive parts of that whole intercourse, they were the whole relation, and this is that which St. John said, "The law came by Moses, but grace and truth came by Jesus Christ:" and ever since he was made our Lord and our King, he is our Lawgiver, and we are his subjects, till the day of judgment in which he shall give up the kingdom to his Father.

14. But the greatest difficulty is behind: for not all Moses's law is disannulled, for some is enjoined by Christ; and some is of eternal obligation; and such the decalogue seems to be: the next inquiry therefore is, what part of Moses's law is annulled by Christ. To this I answer by parts.

RULE II.

The Ceremonial Law of Moses is wholly void.

1. For this is that handwriting of ordinances, which Christ nailed to his cross: and concerning this we have an express command recorded by the apostle,[u] "Let no man judge you in meat or in drink, or in respect of a holiday, or of the new moon, or of the sabbath days:" and, concerning the difference of meats, not only their own doctors say, "the precept of Moses is not obligatory any where but in Palestine," but they have forgot the meaning of the names of some of them, or at least dispute it, which is not likely they would so strangely have lost, if the obligation also had not been removed. But as to us the case is confessed: for all the arguments, before alleged, proceed of this part of the Mosaic law, if of any, this being chiefly made up of umbrages, figures, and imperfect services, relative to place and time, to families and separate persons, such which every change of government could hinder, and which, in the conflict and concussion with other laws, did ever give place, even in that time when they were otherwise obligatory, which "could not cleanse the conscience nor take away sins;" but were a burden made to teach something else, like letters written upon little cubes, or given as appellatives to slaves, that the children who were waited on by them, might learn the alphabet; but else they were a trouble, to no real perfective purpose of our spirits.

2. Quest. I know but of one difficulty which this thing can meet with, and that is made by the scrupulous inquiries of some tender or curious persons, who suppose the difference of meats not to be so wholly taken away, but that still, under the laws of the gospel, we are bound to abstain from blood and from things strangled; pretending for this scruple, the canon of the apostles[x] at Jerusalem; which enjoins this abstinence, and reckons it amongst the τὰ ἀναγκαῖα, "things necessary:" and this was, for a long time, used and observed strictly by the christians: of which we have testimony from that law[y] of Leo the emperor, where, having forbidden the use of blood stuffed in the entrails of beasts, he affirms that, in the old law, and in the gospel, it was always esteemed impious to eat it. And this was not only for the present, and for compliance with the Jews, that, by the observance of some common rites, the gentile converts might unite with the believing Jews into one common church, but they supposed something of natural reason and decency to be in it; and the obligation to be eternal, as being a part of that law, which God gave to Adam, or at least to Noah after the flood; for they who use to eat or drink blood, are apt to degenerate into ferity and cruelty, and easiness of revenge; and if Origen's fancy had been true, it had been very material; for he supposed that the devils were fed with blood: but, however, certain it is that the church did, for

[o] Iren. lib. 1. c. 26. Epiphan. hær. 18, 28, 30, 66. Hieron. ep. 89. ad Augustin. Damasc. verb. Nazaræi. Euseb. lib. iii. c. 21. August. hæres. 8, and 9.

[p] Luke xvi. 16. [q] Rom. vi. 14. [r] Rom. vii. 4.
[s] Heb. vii. 12. [t] Gal. iii. [u] Coloss. ii. 16.
[x] Acts xv. [y] Novel. 58.

divers ages, most religiously abstain from blood; and it was the great argument, by which the primitive christians did confute the calumnies of the heathens imputing to them the drinking of human blood: they could not be supposed to do that, who so religiously abstained from the blood of beasts, as we find it argued in Tertullian,[z] Minutius,[a] and Eusebius,[b] who also tells of Biblis, that she rather would die than eat blood in a pudding: and in the canons commonly called Apostolical,[c] it is forbidden to a clergyman to eat blood, under pain of deposition, to lay a man under excommunication: which law was mentioned and supposed obligatory in the second canon of the council of Gangra; and long after by the canon of the council in Trullo; by the council of Worms under Ludovicus Pius;[d] by Pope Zechary, in his epistle to Boniface; and from hence the penitential books had warrant enough to impose canonical penances upon them that did taste this forbidden dish: and that they did so, is known and confessed.

3. But to the question and inquiry, I answer, 1. That the abstinence from blood is not a law of nature, or of eternal rectitude, as appears, first, in that it was not at all imposed upon the old world: but for a special reason given to the posterity of Noah to be as a bar to the ferity and inhuman bloodthirstiness, of which the old giants were guilty, and possibly others might afterwards. For the Jews reckon but six precepts given to Adam and his posterity after the fall. The first against strange worship: the second of the worshipping the true God: the third, of the administration of justice: the fourth, of disclosing nakedness, or a prohibition of uncleanness: the fifth, against shedding blood: the sixth, against theft:—and indeed here are the heads of all natural laws; but because the old world grew cruel to beasts, and the giants were degenerated into a perfect ferity, and lived on blood; therefore it pleased God to superadd this to Noah, that they should not eat blood; that is, that they should not eat the flesh of beasts that were alive; that is, "flesh with the blood:" and it is not to be despised that the drinking of blood is not forbidden; but the eating only: meaning, that the blood was not the main intention of the prohibition; but living flesh, that is, flesh so long as the blood runs from it: "flesh with the life thereof," that is, "with the blood:"[e] so run the words of the commandment; and therefore the doctors of the Jews expressed it by the not tearing a member of any live creature: which precept was the mounds of cruelty, God so restraining them from cruelty even to beasts, lest they might learn to practise it upon men. For God sometimes places some laws for defensatives to others; and, by removing men afar off from impiety, he secures their more essential duty. 2. But even this very precept is, by all the world, taught to yield to necessity and to charity, and cruelty to beasts is innocent when it is charity to men: and therefore, though we do not eat them, yet we cut living pigeons in halves and apply them to the feet of men in fevers, and we rip the bellies of sheep, of horses, of oxen, to put into them the side of a paralytic; and although, to rude people and ignorant, such acts of security were useful, yet, to christians, it is a disparagement to their most excellent institution, and the powers and prevalencies of God's Spirit, to think they are not upon better accounts secured in their essential duty. The Jews were defended from idolatry by a prohibition even of making and having images: but he is but a weak christian, who cannot see pictures without danger of giving them worship. 3. The secret is explicated by God in the place, where he made the law: it was first a direct design to introduce mercy into the world, by taking care even of beasts: and, secondly, it was an outer guard against the crime of homicide: and Irenæus, Tertullian, St. Cyprian, and St. Ambrose, expound the meaning of the whole affair to be nothing else but a prohibition of homicide: for as God would have men be gentle to beasts,[f] so if beasts did kill a man, it should be exacted of them;[g] neither the man's dominion over the beast could warrant his cruelty over them, nor the want of reason in beasts bring immunity, if they killed a man, and the consequent and purpose of both these is expressed, ver. 6. "Whoso sheddeth man's blood, by man shall his blood be shed:"—and all this put together is a demonstration how dear lives are to God; even the life of beasts is, in one sense, sacred: for even then when they were given to man for food, yet the life was not; they must first be dead, before they might be eaten: but, therefore, the life of man was sacred in all senses, and should be required of man and beast. But that God doth even take care for oxen, in the matter of life, appears in this prohibition, "flesh with the life thereof ye shall not eat;" that is, you shall not devour the flesh even while it is alive; for the blood is the life thereof; that is, when the blood is gone, you may eat, till then it is presumed to be alive. Now there can be no other meaning of the reason: for if blood were here directly prohibited to be taken and drunk or eaten, this reason could not have concluded it, "because it is the life, therefore you may not eat it,"—being no better an argument than this,—"you may not eat the heart of a beast, for it is the life thereof;" but the other meaning is proper, "ye shall not eat flesh with the blood, which is the life thereof,"—that is, so long as the blood runs, so long ye must not eat; for so long it is alive: and a beast may be killed, but not devoured alive. So that the prohibition of blood is not direct in the precept, but accidental; blood is forbidden, as it is the sign of life and the "vehiculum" of the spirits, the instruments of life; and so long as it runs, so long the life abides ordinarily; and therefore Zonaras,[h] in his notes upon the council of Gangra, expounds the word αἷμα, or "blood," supposed in that canon as unlawful to be eaten or drunken, by ἐξεπίτηδες ἐψόμενον, καὶ πηγνύμενον, "blood diligently or fast running or following the wound, and thick;"

[z] In Ap. c. 9. [a] In Octav. [b] Eccles. Hist. lib. v. c. 1.
[c] Cap. 62. Vide etiam Clemen. Alex. Pædag. lib. iii. c. 3. Niceph. lib. iv. c. 17. et idem videre est apud Lucianum in Pereg.
[d] Cap. 65. [e] Gen. ix. 4.
[f] Verse 4. [g] Verse 5.
[h] Vide S. Aug. lib. ii. c. vi. contra adversarium legis et prophetarum.

that is, as I suppose, "blood digested," to distinguish it from "serum sanguinis," or the watery blood, that is seen in beasts after they have bled, that they might not have scruple in minutes and little superstitions: χωρὶς ἐπιτηδεντοῦ αἵματος, "without active blood,"—so Balsamo: and it is not impertinent to the main inquiry, that it be observed that the Jews use "life" instead of "blood;" and so does the vulgar Latin; that we might the easier understand the meaning to be of "life," or "living blood."—But then this is nothing to eating the blood, when the beast is certainly dead: and therefore it is observable, that they who did make a scruple of eating blood, did not, all of them, make a scruple of eating things strangled in which the blood remained: and therefore in some copies of the apostolical decree,[1] the word πνικτοῦ, or "strangled," is left out; and St. Austin observes, that, in his time, in Africa, the christians did not severely abstain from things strangled. For if the case were the same between blood running and blood settled and dead, then the reason of the commandment were nothing or not intelligible; and, besides, it would breed eternal scruples: since, in the very killing of beasts, there will some blood remain, and in the neck pieces and some veins every body hath observed some blood remaining even after the effusion by the knife. 4. This could not be a law, of nature, because not mentioned by Christ in all his law, which I have already proved to be a perfect digest of the natural law: only that sense of it which I have now given, is involved in a law of nature, and consequently enjoined by Christ, viz. under the precepts of mercy, according to that saying of the wise man, "a good man will be merciful to his beast;" and the Athenians put a boy to death, because he took delight to prick out the eyes of birds, and so let them fly for his pastime; as supposing that he who exercised his cruelty upon birds, being a boy,—would, in time, destroy men too. 5. Upon the account of this interpretation, we are to distinguish the material part from the formal; the blood as it is such a substance, from the blood, as it is alive; just as the εἰδωλόθυτα are to be differenced: for to eat the meat when it is sold in the shambles, is a thing indifferent, said St. Paul,[k] though it was offered to idols; but this very meat might not be eaten in the temples, nor any where under that formality, as St. Paul there discourses: and, therefore, what the apostles, in their letter to the churches, call εἰδωλόθυτα, St. James, in the decision of the question, calls ἀλισγήματα τῶν εἰδώλων, "pollutions of idols,"—that is, all communications in their idolatrous portions and services: and so it is for blood; "abstain from life blood, or blood that runs while the beast is dying;" that is, devour not the flesh while the beast is alive, be not cruel and unmerciful to your beast: but if blood be taken in its own materiality when the beast is dead, it may be eaten as other things, without scruple; they being both in the same sense as in the same obligation,

Αμα δὲ μὴ φαγέειν, εἰδωλολύτων δ' ἀπέχεσθαι.
PHOCYL.

[1] Acts xv. 20. [k] 1 Cor. x. 25.

There is a letter and a spirit in both of them. 6. One thing only I shall add to make this appear to have been relative, temporal, and ceremonial; and that is, that when God was pleased to continue the command to the sons of Israel in Moses's law, he changed the reason, only reciting the old reason for which it was imposed to the posterity of Noah, and superadding a new one as relating to themselves: "For the life of the flesh is in the blood, and I have given it to you upon the altar to make an atonement for your souls; for it is the blood that maketh an atonement for the soul."[l] So that to the blood there was superadded a new sacredness and religion; it was typical of the great sacrifice upon the cross, the blood of which was a holy thing, and it was also instrumental to their sacrifices and solemnities of their present religion: and, therefore, this ritual is to cease after that the great sacrifice is offered, and the great effusion of blood is past. But as they had a new reason, so also had they a new injunction, and they were interdicted the eating of any thing strangled; which they taking to be a pursuance of the precept given to Noah, were the more zealous of it; and lest their zeal might be offended, the first christians in their societies, thought fit to abstain from it. But this ever had a less obligation than the former, and neither of them had, in their letter, any natural obligation: but the latter was introduced wholly upon the Levitical account, and therefore did cease with it. 7. After this so plain and certain commentary upon this precept, I shall the less need to make use of those other true observations made by other learned persons: as that this canon was made for a temporary compliance of the gentile proselytes with the Jewish converts,—that this was not a command to abstain from blood, or strangled, but a declaration only that they were not obliged to circumcision; but they already having observed the other things, it was declared they need go no further: that where, as these things were said to be necessary, ἐπάναγκες, the meaning of the word is not absolute but relative; for it is ἐπ' ἀνάγκης ἔχειν, "to have a thing under some necessary condition," and so it happened to them to whom the apostles wrote; for they were gentile proselytes before they were christians, and so were tied to observe the seven precepts of Noah, before the Jews would converse with them; and therefore, that this did not concern the gentiles, after they were an entire church: for although it did while the separation lasted, and that there were two bishops in some great churches, as in Rome and Ephesus; yet when the church was of gentiles only, or conversed not with Jews, this could not relate to them. That blood should be forbidden in the formality of meat is infinitely against the analogy of the gospel: the decretory and dogmatical words of Christ[m] being, "that nothing which enters into the mouth, defiles a man:" and the words of St. Paul[n] are permissive and preceptive, "Whatsoever is sold in the shambles, eat, asking no question for conscience sake. For meat commendeth us not to God; for neither if we eat, are we the better, nei-

[l] Levit. xvii. 11. [m] Matt. xv. 11. [n] 1 Cor. x. 25.

ther if we eat not, are we the worse:" and "the kingdom of God consisteth not in meat and drink, but in righteousness, and peace, and joy in the Holy Ghost."[o] The result is this, that blood, as it is a meat, cannot be supposed here to be directly forbidden as naturally unlawful, or essentially evil, or of a proper turpitude: but if the apostles had forbidden the very eating of blood as meat, it must be supposed to be a temporary and relative command which might expire by the ceasing of the reason, and did expire by desuetude; but since it was not so, but a permitting the gentile proselytes and encouraging them, for present reasons, to abstain from running or life blood in the sense above explicated, according to the sense of the Jewish doctors and their disciples, it no way can oblige christians to abstain from blood when it is dead, and altered, and not relative to that evil which was intended to be forbidden by God to Noah, and was afterwards continued to the Jews. I end this with the words of Tertullian,[p] "Claves macelli tibi tradidit, permittens esui omnia ad constituendam idolothytorum exceptionem;" "God hath given to us the keys of the shambles, only he hath forbidden the pollution of idols:"—in all other things you have your liberty of eating.

4. I am only now to give an account of the reasons of the ancient churches, why so pertinaciously and so long they refused to eat boiled blood, or any thing of that nature. But for that it is the less wonder, when we consider, that they found it enjoined by all the churches where the Jews were mingled; and the necessity lasted in some places till the apostles were dead, and the churches were persecuted: and then men use to be zealous in little things, and curious observers of letters; and when the succeeding ages had found the precedents of martyrs zealous in that instance, it is no wonder if they thought the article sufficiently recommended to them. 2. But if we list to observe that the Pythagorean philosophers were then very busy and interested in the persuasions of men and sects, and Pythagoras, and Plato, and Socrates, had great names amongst the leading christians, it is no wonder if, in the percolation, something of the relish should remain, especially having a warrant so plausible to persuade, and so easy to mistake as this decretal of the apostles, and the example of the ancients living in that time, which the heathens call the golden age.

Nam vetus illa ætas non polluit ora cruore. Metam. l. 15.

Single life, and the abstinence from certain meats, and refusing of blood, and severity of discipline, and days of abstinence, were sometimes persuaded, sometimes promoted, sometimes urged, sometimes made more necessary, by the Montanists, the Essenes, the Manichees, the Novatians, the Encratites, the Pythagoreans, and the very heathen themselves,—when, because they would pretend severity, it became fit that the christians should not be or seem inferior to them in self-denial, discipline, and austerities. But I shall make no more conjectures in this matter; since if the church at that time did enjoin it, the canon was to be obeyed, and, it may be, in some places it was practised upon that stock; upon any other just ground it could not, as I have already proved. Only this; it cannot be denied but in the western church, where this decree and the consequent custom was quickly worn out, though it lasted longer even to this day in the Greek church, and Balsamo inveighs against the Latins for their carelessness in this article; yet there were some intervals in which by chance this decree did prevail; but it was when the bishops of Rome were so ignorant, that they could not distinguish the Old Testament from the New, but in some particulars did judaize. I instance in Pope Zechary, before mentioned; who, in his decretal to Boniface, the archbishop of Mentz, is very curious to warn him to forbid all christians with whom he had to do, they should abstain from some certain sorts of birds, as jackdaws, crows, and storks; but especially that christians should eat no hares, nor beavers, nor wild horses: and the council of Worms determined something to the like purpose, not much wiser; but what was decreed then, was long before reproved by St. Austin,[q] affirming, that if any christian made a scruple of eating strangled birds, in whom the blood remained, he was derided by the rest; and that this thing, which was useful in the infancy of the church, should be obtruded upon her in her strength, is as if we should persuade strong men to live upon milk, because their tender mothers gave it them as the best nourishment of their infancy.

5. This thing being cleared, I know no other difficulty concerning the choice of meats in particular, or the retention of the ceremonial law in general, or in any of its instances, but what will more properly be handled under other titles.

RULE III.

The Judicial Law of Moses is annulled, or abrogated, and retains no obliging Power, either in whole or in part, over any Christian Prince, Commonwealth, or Person.

1. EITHER the judicial was wholly civil, or it was part of the religion. If it was wholly secular and civil, it goes away with that commonwealth to whom it was given; if it was part of the religion, it goes away with the temple, with the lawgiver's authority by cession to the greater, with the priesthood, with the covenant of works, with the revelation and reign of the Messias: and though the instances of this law, proceeding from the wisest lawgiver, are good guides to princes and commonwealths, where the same reasons are applicable in like circumstances of things, and in equal capacities of the subjects, yet it is wholly without obligation. In the judicial law, theft was not punished with death, but with the restitution of fourfold; and unless the necessities of a republic should enforce it, it were consonant to the design of christian religion, the interest of souls, their value, and pity, that a life should not be

[o] Rom. xiv. 17. [p] De Jejuniis. [q] Cont. Faustum Manich. lib. xxvii. c. 13.

set in balance over against a sheep or a cup. In the judicial law of Moses, adultery was punished with death; but it will not be prudent for a commonwealth to write after this copy, unless they have as great reason and the same necessity, and the same effect be likely to be consequent; it was highly fitting there, where it was so necessary to preserve the genealogies, and where every family had honours, and inheritances, and expectations of its own, and one whole tribe expected in each house the revelation of the Messias, and where the crime of adultery was infinitely more inexcusable by the permission of divorces and polygamy than it can be with us. But with us, and so in every nation, many considerations ought to be ingredient into the constitution of a capital law: but they have their liberty, and are only tied up with the rules and analogies of the christian law: only the judicial law of Moses is not to be pretended as an example and rule to us, because it came from a Divine principle; unless every thing else fit it by which the proportions were made in that commonwealth; for although God made aprons for Adam and Eve, it would not be a comely fashion for the gallants of our age and countries. But concerning this who desires to see long and full discourses, I refer him to Gulielmus Zepperus "de legibus Mosaicis," and the preface of Calvin, the lawyer, to his "Themis Hebræo-Romana."

2. But the thing in general is confessed, and the arguments now alleged make it certain: but then why it should not be so in every particular, when it is confessed to be so in the general, I do not understand; since there are no exceptions or reservations of any particular in the new law, the law of christianity. But in two great instances this article hath difficulty; the one is, 1. The approach of a man to his wife during her usual term of separation. 2. The other is concerning the degrees of kindred hindering marriage; both which being taken express care of in the judicial law, and yet nothing at all said of them in the laws of Christ, are yet supposed to be as obligatory to christians now, as to the Jews of old. Of these I shall now give account, because they are of great use in the rule of conscience, and with much unquietness and noise talked of, and consciences afflicted with prejudices and authority, with great names and little reasons.

3. Quest. Whether the judicial law of mutual abstinence in the days of women's separation, obliges christian pairs?

4. The judicial law declared it to be twice penal. Once it only inferred a legal uncleanness for seven days, Levit. xv. 24. But in the Levit. xx. 18, it is made capital to them both: "they shall be both cut off from the people."

5. From hence, Aquinas, Alexander of Ales, Bonaventure, and Scotus, affirm it to be a mortal sin for a husband then to approach to her: Peludanus and Cajetan deny it; and amongst the casuists, it is with great difference affirmed or denied, but with very trifling pretences, as if they were to give laws, and not to inform consciences upon just grounds of reason or religion.

6. They who suppose it to be unlawful, affirm this law to be ceremonial, judicial, and moral. It is ceremonial, because it inferred a legal impurity, or separation for seven days. It is judicial, by its appendant sentence of death, and a capital infliction. It is moral, because it is against charity, as being hurtful to the child in case any be begotten by such approaches. The whole ceremoniality of it is confessedly gone; but the punishment of it in the judicial law being capital, they urge it as an argument that it is moral. So that the whole weight lies upon this. That which was by the law of God punished with death, was more than a mere ceremony, and must contain in it some natural obliquity and turpitude. And in this case we need not to go far in our inquiry after it; for it is because of the great uncharitableness, as being a cause of monstrous productions, or leprosies and filthy diseases in the children: and as the former of these two signifies its morality, so this does formally constitute it; and this is confirmed by the words annexed to the prohibition: "For the nations committed all these things, therefore I abhorred them:"[r] amongst which this in the question being enumerated, it will follow more than probably, that since this thing was imputed to the heathens, who were not under Moses's law,—it must be imputed, because it was a violation of the law of nature.

7. To these things I answer; (1.) That the punishment of all such approaches under Moses's law with death, was no argument of any natural turpitude and obliquity in the approach. For then circumcision would be necessary by a natural law, because every soul that was not circumcised was also to be cut off from his people. But if for this reason it were only to be concluded unlawful, then since this reason is taken away, and it is by no law of God punishable, nor yet by any law of man, it follows that now it cannot be called a mortal or a great sin, to which no mortal punishment is annexed, nor indeed any at all.

8. (2.) But neither was it just thus in the law of Moses. For by the law of Moses it was nothing but a legal impurity, a separation from the temple, and public sacrifices, and some sorts of commerce for seven days; and thus much was also imposed upon the woman, though she was locked up and conversed with no man, even for her natural accident: and if, by the gravity or levity of a punishment, we may make conjectures of the greatness of a sin, (of which I shall, in the third book, give accounts,) then it would follow that every such approach was nothing but a breach of a legal rite or ceremony, since it was punished only with a legal separation, which also was equally upon every innocent woman in that period.—Yea, but besides this it was made capital.—I answer, that could not be, if the case were the same; for two punishments are not in laws inflicted upon the same offence, directly and primarily: and, therefore, Radulphus Flaviacensis[s] supposes here to be a direct contradiction in the letter of these two laws; and that they are to be reconciled by spiritual significations,

[r] Levit. xx. 23. [s] Explan. in Levit. c. 6.

in which only they are obligatory to us under the gospel; but I do not very well understand what he would have, nor any ground of his conjecture; but am content it is not material, since he confesses that the very letter obliged the Israelites, which how it is possible, and yet be contradictory, I shall never understand. Hugo Cardinalis says, that the first of these punishments was on him who did it ignorantly; but it was capital only to him who did it knowingly and voluntarily. But this is not probable; for then it would be in effect so that the man might only contract a legal impurity; and the woman be sure to die for it:

Enimvero durâ lege hic agunt mulieres:

for although the man could often say truly, and might always pretend, that he did it ignorantly, yet the woman could not: for it is not likely that she should, with much probability, at any time say she did it ignorantly; and since it cannot be but by a rare contingency, it is not likely to be the subject matter of a regular law, and provided for by a daily and perpetual provision; especially since that case is already provided for in other periods, as being sufficiently included under them that by chance touch a woman so polluted: and therefore this does not reconcile the difficulty: but since it must be confessed, that on the woman (at least ordinarily) both these laws must have effect, and yet the woman cannot easily and ordinarily be supposed to be ignorant in such a case so as to need a law, (for laws use not to be made for rare contingencies,) it follows that this distinction is not sufficient to reconcile the difficulty. But Lyra and Abulensis have a better, saying that the legal impurity was the punishment only, when the fact was private; but it was capital when it was brought before the judge: and truly for this there was great reason. For since the woman also was to die, it is not to be supposed that she would accuse her husband and condemn herself, and such things use not to be done publicly: it is therefore to be supposed, that whoever did do this so as to be delated for it and convicted, must do it ἐν χειρὶ ὑπερηφανίας, "with the hand of pride," in contempt and despite of Moses's law; for which, as St. Paul witnesses, "a man was to die without mercy." But now from hence I infer, that since the contempt and open despite of the law only was capital, it was not any natural turpitude that deserved that calamity; it was nothing but a legal uncleanness, which every child had that did but touch her finger.

9. But then for the next argument, with which the greatest noise is made, and every little philosopher can, with the strength of it, put laws upon others, and restraints upon men's freed consciences; I answer, first, upon supposition that it were true and real, yet it does not prove the unlawfulness of such addresses. For if the man and woman have a right to each other respectively, there is no injury done by using their own right. "Nemo damnum facit, nisi qui id facit, quod facere jus non habet," saith the law.[t] But that is not the present case, for the married pair use but their own rights, which God hath indulged. And therefore Paulus[u] the lawyer, from the sentence of Labeo, hath defined, that no man can be hindered from diverting the water running through his own grounds, and spending it there, though it be apparent that his neighbour receives detriment, to whom that water would have descended. I know this may be altered by laws, customs, and covenants, but there is no essential injustice in it, if loss comes to another by my using my own right. To which I only add this one thing, because I am not determining a title of law in open court, but writing rules of conscience: that though every such interception of water, or other using of our right to our neighbour's wrong, be not properly injustice, yet unless he have just cause to use it, it is unlawful to do so, because it is uncharitable; because then he does it with a purpose to do his neighbour injury. And so it is in this; if any man or woman in such approaches intend hurt to the child, as hoping the child might not live, or if either of them designed that the child should by such means become hated, or neglected in provisions, and another preferred, then I doubt not but to pronounce all such mixtures impious and abominable: and to this sense those words of St. Austin[x] in this article are to be expounded: "Per talem legem in Levitico positam non naturam damnari, sed concipiendæ prolis noxiam prohiberi." The thing itself is not naturally impure; but it is forbidden that hurt should be intended or procured to the child: for although, in the instance of Paulus above reckoned, the injury is certain, and the person definite and known to whom it is done, and in the present question both the event at the worst is but uncertain, and the person to be injured not yet in being, and therefore the case is much more favourable here than there, yet when this case does happen, there can be no excuse for it, because it is the act of an evil mind and an uncharitable spirit.

10. (2.) Upon supposition that this allegation were true, yet it follows not that all such approaches were unlawful: as appears in the case of a leprous wife, with whom that it is lawful to have congress, is so certain that it is told as an heroic story of Dominicus Catalusius, a prince of Lesbos, that he did usually converse with his wife that was a leper, as still knowing it to be his own flesh, which no man hates: but if with a leper (whose issue is as certain to be leprous, as in the other case to be any way diseased) it be lawful, the effect notwithstanding,—then the argument ought not to infer a prohibition, or conclude it to be unlawful. The same also is the case of both men and women in all hereditary diseases, and in any diseases which are resident in any principal part, with any of which if either of them be infected, it is (if this reason be good) equally unlawful for them to beget children, or to use the remedy which God hath given them against uncleanness.

11. If it be answered that there is difference in the case, because the present question being of short, frequent, and periodical separations, the married person may expect nature's leisure, who will in a

[t] Lib. Nemo. de regul. juris.

[u] Lib. ii. de aquâ pluviâ arcendâ. [x] Qu. 64. super Levit.

short time return them to their usual liberties: but if they have a leprosy, that goes not off, but abides: and therefore either a child must be begotten with that danger, or not at all; and since it is better for a child to be born a leper, or subject to leprosy, than not to be at all; in this case there is indeed charity in some sense, but no uncharitableness in any to the child; and there is a necessity also on the parents' part. The same also is the case of a consumption, or any hereditary disease: but in the monthly separations there is no such need; because the abstinence is but short, and though a child be not then begotten, he loses not his being, as in the other cases.

12. To this I reply; that the difference of case pretended is not sufficient, 1. Because a consumption or a leprosy are no such incurable diseases, but that, for the preventing of uncharitableness and sad effects upon the child, they may expect nature's time; and if it be said, that there is, or may be, danger of fornication in so long abstinence; I answer, so there may be in the shorter, and is certainly to some persons: and if the danger be an excuse, and can legitimate the congression, even where there is hazard to have a diseased child begotten, in one case, then so it is in the other. For where there is the same cause in the same suscipient, there also will be the same effect: so that at least thus much will be gotten; that if there be a need, in the time of a short separation, then it is lawful; and if it can upon this account be innocent, it is certain that it is not naturally criminal. 2. Suppose even this affection or accident abides on the wife, as on the woman in the Gospel, who after twelve years' sufferance was cured by the touch of our Saviour's garment; then there is the same necessity as in an abiding leprosy, consumption, or hereditary disease, and yet in the Mosaic law those permanent emanations were to be observed by abstinence as much as the natural and transient; by which it is certainly proclaimed to be wholly a legal rite; because if this can abide, and during its abode an approach be not permitted, although the Jews were relieved by divorces, and polygamy, and concubinate, and so might suffer the law; yet christians, who are bound to an individual bed, will find a necessity, which if it were not provided for by a natural permission, the case of some men would be intolerable, and oftentimes sin be unavoidable, and that which by accident may be lawful and necessary, certainly is not essentially evil: for if it could, then he who is the author of such necessity, would also necessarily infer that evil, and so be author of that too, which is impossible to be true of God, the fountain of eternal goodness. But I add also this consideration; that, even in the Mosaic law, such congressions were permitted after child-birth. For the legal impurity lasted but seven days upon the birth of a man-child, "according to the days of the separation for her infirmity shall she be unclean;" that is, for seven days she shall have the same law upon her as in her usual period, but no longer; for that which is added,[y] "that she shall then continue in the blood of her purifying three and thirty days;" it is not for abstinence from her husband, but from entering into the tabernacle, and from touching holy things: so that the uncleanness being determined five weeks before her purification was complete, must be in order to contract or to nothing.

13. But although upon supposition the allegation were true, yet the reason of it concludes not; yet the argument is infinitely the worse, since the supposition is false, and the allegation is not true. For besides that the popular heresies of physic and philosophy are now rarely confuted and reproved by the wise physicians of these later ages, who have improved their faculty as much as any of the schools of learning have done theirs, and the old sayings of philosophers in this matter are found to be weak, and at the best but uncertain; the great experience of the world is an infinite reproof to them who say, that by such congressions leprous or monstrous children are produced: for the world would have been long since very full of them, if such evil effects were naturally consequent to those meetings. St. Jerome[z] was the first who brought this pretension into the christian schools (so far as I can learn): afterwards the schoolmen got it by the end, and the affirmative hath passed ever since almost without examination. But the schoolmen[a] generally affirm, (being taught to speak so by Aquinas,) that it is partly ceremonial, partly moral, and that in this only it is obligatory, "ex damno quod sequitur ex prole;" which, because it hath no ground to support it, must fall into the common lot of fancies and errors, when their weakness is discovered. For although those physicians, which say that this natural emanation is a *κάθαρσις*, or "cleansing," do believe, that with the principles of generation, there may in such times be something "minus salubre" intermingled; yet besides that these are opposed by all them who say it is nothing but a *κενώσις*, or "evacuation;" both the one and the other are found to be imperfect, by the new observations and experiments made by a learned man who finds that neither one nor other can be the material part of nature's secret fabric. But however, whether he says so or no, since things are so infinitely uncertain, and man is made secretly and fashioned "in secreto terræ," these uncertain disputes are but a weak foundation of a pretext for a moral duty.

14. To the last objection: that—"God abhorred the nations for all these things:"—and amongst them this is reckoned; and therefore there was in this some natural impurity, for by no other law were they bound, and they could not be found to be transgressors against another: I answer; that "all these things" are to be taken "concrete et confuse," all indiscriminately in a heap, not all by singular distribution; as appears (besides this in question) by the instance of marriage in certain degrees: which the servants of God did use, and yet God delighted in them; for Abraham married his father's daughter, and yet this was reckoned amongst their catalogue of crimes,[b] and so also in the case of the

[y] Levit. xii. 4. [z] In xliv. Isai.

[a] Franc. à Vic. de Sacramen. de redd. deb.
[b] Lev. xx. 17, 21.

brother's wife, which is there reckoned, yet we know it was permitted and enjoined in the case of heiresses being childless widows: but when this thing was by God inserted into the digest of their laws and made capital, it happened to be mingled with other prohibitions, which were of things against the laws of nature. But to this objection I shall speak again in the question of cousin-germans, num. 36 and 37 of this rule.

15. The arguments now appearing to be invalid, I answer to the question, 1. That this abstinence was a Mosaic law, partly ceremonial, partly judicial, but in no degree moral. 2. That the abrogation of Moses's law does infer the nullifying of this, and hath broken the band in pieces. 3. That the band which tied this law upon the Jews, was fear of death, and fear of a legal impurity: which fears being banished, and no new one introduced by our Lawgiver, we are not under restraint: and if we will be careful to observe all that is commanded us in Christ's law, it will be work enough, though we bind not on men's shoulders unnecessary burdens. 4. It is a part of the spirit of bondage to be subject to ordinances; but God will now be served by a more spiritual religion, and to abstain, as in the present instance, and to think it is a part of God's service, is superstition; it is to worship him with an instance that he hath not chosen, or commended: and, therefore, it is remarkable that when St. Paul[c] gave order to married pairs, μὴ ἀποστερεῖτε ἀλλήλους, "Defraud not one another;" he only gives this exception, "except it be by consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not," διὰ τὴν ἀκρασίαν ὑμῶν, "for your want of power," and command over your desires and necessities. Abstinence, in order to special religion, is allowed and commended, and that by consent,—and that but for a sudden occasion,—and that so short, that it may not become an occasion of Satan's temptations; whatsoever is over and besides this, may be upon the account of Moses, but not of Christ and christianity. 5. I speak this only to take off a snare from men's consciences laid for the unwary by unskilful masters of assemblies, so that all I say of it, is, that it may be done lawfully. 6. But that which does only recommend it, is, where there is necessity that it be done. 7. It is sufficient though the necessity be not absolute, if it be only ordinary and probable: for if this were not so, instead of allaying storms, and appeasing scruples, and breaking snares, they would be increased and multiplied; for it will be a hard thing, in most cases of that nature, to say, that the necessity is absolute. 8. But since there is in such congressions a natural abhorrency amongst most persons, and a natural impurity; if that which invites to it be not at least a probable necessity, it must be a great undecency and violence of a wanton spirit. 9. It must always be without scandal and reproach. For even among the Jews it was only a legal impurity, if done without scandal; but if with contumacy and owning of it, it came to outface the modesty and authority of the law, then it became deadly: and so it may now, if that which is not of good report, be done and offered to the report of all them which can condemn the folly and impurity, but cannot judge of the necessity or the cause; and the fact, by becoming scandalous, is criminal, as much as when it is done without a probable necessity, and only upon lustful consideration.

16. Some, in their answers to this inquiry, make a distinction of the persons; affirming it in this case to be unlawful to ask, but lawful to pay a duty if it be demanded. But if it be naturally unlawful, it is then inexcusable in both: for neither must the one tempt to an unlawful act, nor the other consent to it: and there can be no obligation to pay that debt, which no man can lawfully demand. Neither of them hath a right, against God's law; and therefore the case is equal in them both. He or she that complies, does actually promote the sin, as well as the other that invites, and therefore in Moses's law they were equally criminal and punished with death. But if it be not naturally unlawful, (as it appears it is not,) then it may as well be demanded as yielded to, when there is a probable necessity; but concerning that, the passive party is to believe the other; for if it be known to be otherwise, he or she that consents, does consent to an act, which is made unlawful by evil circumstances.

Of the Prohibition of Marriage in certain Degrees.

17. But the next inquiry concerning an instance in the judicial law is yet of greater concernment: for all those degrees, in which Moses's law hath forbidden marriages, are supposed by very many now-a-days, that they are still to be observed with the same distance and sacredness, affirming, because it was a law of God with the appendage of severe penalties to the transgressors, it does still oblige us christians. This question was strangely tossed up and down upon the occasion of Henry VIII.'s divorce from Queen Catharine, the relict of his brother Prince Arthur; and according as the interest of princes uses to do, it very much employed and divided the pens of learned men; who, upon that occasion, gave too great testimony with how great weaknesses men, that have a bias, do determine questions, and with how great force a king that is rich and powerful, can make his own determinations. For though christendom was then much divided, yet before then there was almost a general consent upon this proposition, that the Levitical degrees do not, by any law of God, bind christians to their observation. I know but of one schoolman that dissents; I mean Paludanus; or if there be more, I am sure they are but very few,

Vel duo vel nemo.———

but the other opinion

Defendit numerus, junctæque umbone phalanges.

But abstracting from all interests, and relative considerations, I shall give as full accounts of this as I can, because the questions of degrees and the matters and cases of incest, are not so perfectly stated as the greatness of the matter and the necessities of the world require; and besides this, it is at this day a

[c] 1 Cor. vii. 5.

great question amongst all men,—whether brothers' and sisters' children, or cousin-germans, may lawfully marry?—which question supposes, that not only the Levitical degrees are still thought obligatory, but even all those other degrees, which by a parity of reason can be reduced to those measures. I shall therefore give an account of the sentence of all laws in this great question, which can be supposed to oblige us.

Of Parents and Children.

18. Concerning this, I suppose it to be evident that nature hath been as free in her liberties as in her gifts, open-handed enough to all; save only that she hath forbidden parents and children, higher and lower in the direct line, for ever to marry. Just as rivers cannot return to their fountains, nor evenings back again to their own mornings from whence they set out, nor yesterday be recalled, and begin again to-morrow. The course and order of nature is against it; and for a child to marry the parent is for to-day to marry yesterday, a going back in nature.

——illum, illum sacris adhibere nefastis,
——qui semet in ortus
Vertit, et indignæ regerit sua pignora matri.[d]

19. To which may be added this other sufficient natural reason: that, if a son marries his mother, she who is in authority greater by right of geniture, becomes "minor in matrimonio," less upon the same material account upon which she became greater; and the duty and reverence of a mother cannot be paid to her by him who is her husband: which I find well intimated by Phædra to Hippolitus,

Matris superbum est nomen, et potens nimis. Senec.

It is a contradiction of rights that the same person should be the superior mother, and the inferior wife: which hath also some proportion between a father and a daughter, as being indecent that she from him should claim the rights of a wife, to whom she owes the duty of a father.

20. Besides these, there is a natural abhorrency of such mixtures: "Contra pudorem esse," said Paulus the lawyer; "it is against natural modesty:" which was rarely verified in the trial which the emperor Claudius made (wittily and judiciously, like that of Solomon upon the two harlots) upon a wicked woman who called him (who indeed was her son) a stranger, a beggar, the son of another woman, and supposititious, that so she might defeat him of his father's inheritance. The emperor, espying her malice, and suspecting her machination, found out this trial: "If he be not your son, yet because he is young and handsome, rich and possessed of the inheritance, the title of which you would snatch from him, you shall marry him, and so possess him and the inheritance too."—She, though desperately base, refused that offer, and though she was unnaturally malicious, yet would not be unnaturally incestuous; and chose to suffer the shame of discovery rather than the horrors of such a mixture.

21. But all this was sufficient to make it to become a natural law, without the authority of God intervening. This made it to be excellently reasonable to be established into a law, and therefore God did so, and declared it, and did not trust man's reason alone with the conduct of it: but then it became an eternal law when God made it so: and that was at the very first bringing of a wife to Adam. "For this cause shall a man leave his father and his mother," said God,[e] by his servant Moses, declaring to us what God then made to be a law, "and shall cleave unto his wife, and they shall be one flesh." This could not on both sides concern Adam, who had no natural father and mother, and therefore was a law given to all that should be born from him; when they took a wife or husband respectively, they must forsake father and mother, for between them and their children there could be no such intercourse intervening: and so the Jews, particularly Rabbi Selomoh, expounds the place; and it was necessary this should then be declared, for as yet the marriage of brother and sister was not forbidden, saith the Gemara Sanhedrin; and in obedience to this, because Adam had no other, he laid aside the love of earth and rain, of which he was produced, said Isaac Abravanel: and by this, they usually reconcile the seeming difference between these words and the fifth commandment. A man shall leave his father and mother;[f] and yet he must honour his father and mother: he must never leave to honour them: but when he intends to marry, he must forsake all thoughts of contracting with either of them. Now the mother and the wife being the opposite terms in the progression, he must leave one, and adhere or be united to the other, it must needs be that dereliction, or forsaking, or going from the mother, not relating to honour, but to the marriage, means that the child must abstain and depart from all thoughts of such conjunction. A mother is not less to be loved, less to be honoured, after marriage than before; and therefore in no sense relating to this is she to be forsaken, therefore it must be in the other: and this our blessed Saviour recorded also in his law, where whatsoever is not sufficiently found, cannot pretend to be a law of nature, as I have already proved.

22. And now this being established and recorded as a law of nature in that way only that is competent, the disagreeing sentences of some men, and the contrary practices of nations, is no argument against it. Indeed I said in the first chapter, that the consent of nations is not sufficient to establish a natural law: for God only makes the sanction; but when he hath made it and declared it, the disagreeing practices of great portions of the world cannot annul the establishment. It is not sufficient to prove it to be a natural law, because wise people consent to it: but if God have made it so, it is a natural law, though half the world dissents: and therefore we are not, in this affair, to be moved at all, if wise men should, in any age, affirm the marriages of sons and mothers to be lawful. So Diogenes and Chrysippus affirmed upon a ridiculous conceit, that cocks and hens did not abhor it. Against which impertinent argument,[g] although it were sufficient to oppose the nar-

[d] Papin. Stat. Thebaid iv.
[e] Gen. ii. 24. [f] Matt. xix. 5.
[g] Hist. Animal. lib. ix. c. 46. Plin. Nat. Hist. viii. 42. Varro de Re Rustica, ii. 7.

tive, which Aristotle makes of a camel, and the ythian horse who brake his own neck out of de- station of his own act, to which he was cozened by s keeper; for

Feræ quoque ipsæ Veneris evitant nefas,
Generisque leges inscius servat pudor: SENEC.

t it is better to set down this reasonable proposi- n;—That a thing is against the law of nature, ien, being forbidden by God, it is unnatural to men, ough it were not against the nature of beasts.—But the authority of these men is inconsiderable, and eir argument trifling, so also the disagreeing prac- e of some nations in this particular is wholly to be spised:

—— Gentes tamen esse feruntur,
In quibus et nato genetrix, et nata parenti
Jungitur ——. Metam. 10.

ie Assyrians, the Medes, and Persians, especially e most honoured persons amongst them, their ngs and their magi, did use it frequently:

Nam magus ex matre et nato nascatur oportet.

23. But the original and cause of this horrible d unnatural custom, we can so reduce to its first inciple, that there can remain no suspicion but at they did prevaricate the law of nature. For hen Nimrod had married his mother, Semiramis, d presently introduced the worship of fire, making at to be the Assyrian's and Persian's god, he was atified by the devil. For, as Saidus Batricides, e patriarch of Alexandria, reports, the devil out the fire spake to his first priest, that none should ficiate in his rites, unless he would first lie with s mother, his sister, and his daughter. And iam, the priest, (for that was the name of the ast,) did so, and so together with his prince be- me an authentic precedent to all generations of de- nerous brutes; and was imitated by all that empire.

— τοιοῦτον πᾶν τὸ βάρβαρον γένος·
Πατήρ τε θυγατρὶ, κἀἴτε μητρὶ μίγνυται·
— καὶ τῶν δ' οὐδὲν ἐξείργει νόμος. EURIP. Andr.

at what Xenophon said of the Persians, is also ue of all the nations together, who were debauched their laws and accursed customs: "Non eo mi- is jus esse, quia à Persis contemnebatur;" "It is ill the law of nature, though prevaricated by the ersians, and their subjects, and friends."—For hen any thing appears to be so τοῖς πλείστοις, καὶ διαστρόφοις, καὶ μετὰ φύσιν ἔχουσιν, "to most, and the uncorrupted nations, and to them who live cording to natural reason,"[g] it is a great pre- mption, it is indeed a natural law; and is so ually, if a command of God hath intervened in at instance: for by the Divine appointment it is ade a law,—and by the matter, order, and use of it is natural. But for the rest to whom these ings seemed otherwise than God and nature did ree,—they were abused by none but by their own sts; they were as a punishment of their vilest ns given over εἰς πάθη ἀτιμίας, to unnatural, to ishonourable, and unreasonable desire,

—— Cui fas implere parentem
Quid rear esse nefas?

But this was the product of their idolatry, and some other basenesses: of the first St. Paul is witness,[h] that as a consequent of their forsaking the true God, they were given over to unnatural lusts; and Lucan observes the latter of the Parthians,

—— epulis vesana meroque
Regia, non ullis exceptos legibus horret
Concubitus ——.

Now what is the effect of superinduced crimes and follies is most contrary to nature; and it were unnatural to suspect that she had not made sufficient provisions in this prime case, upon pretence, because some unnatural persons have spoiled and defaced or neglected her laws.[i] One thing by the by I shall insert. I find Socrates noted by some, that he said, "there is, in the marriage of parents and children, nothing to be reproved but the disparity of age." But this is a mistake;[k] for though he brought that incompetent reason against it, yet for other causes he abhorred it: accounting it to be a law established by God and nature, μήτε γονέας παισὶ, &c. "That parents and children should abhor such marriages." For God and all the world, heaven and earth, do so: insomuch that a Roman philosopher was, in his dream, warned not to bury the corpse of a Persian, who had married his mother.

Μὴ θάψῃς τὸν ἄθαπτον· ἓα κυσὶ κύρμα γενέσθαι·
Γῆ πάντων μήτηρ μητροφθόρον οὐ δέχετ' ἀνδρα.

"The earth, who is the common mother of all, will not receive into her womb him, that defiled the womb of his mother:"[l] and the story says, that the ground spewed out the corpse of such a one that had been buried: and Virgil[m] affirms, that in hell there are torments prepared for him,

Qui thalamum invasit natæ, vetitosque hymenæos,

"who pollutes his daughter's bed," and defiles himself with such forbidden entertainments.

Of Brothers and Sisters.

24. (2.) But though nature forbids this, yet the other relations are forbidden upon other accounts. Nothing else is against the prime laws of nature, but a conjunction in the right ascending and descending line. The marriage of brothers and sisters was at first necessary; and so the world was peopled: all the world are sons and daughters, descending from the first marriages of brother and sister. But concerning this, that I may speak clearly, let it be observed, that although the world does generally condemn all such and the like marriages, under the title of "incestuous," yet that is not properly expressed, and leaves us to seek for the just grounds of reproof to many sorts of unlawful marriages, and some others are condemned by too great a censure. The word "incest" is not a Scripture word, but wholly heathen; and signified amongst them all unchaste and forbidden marriages, such

[g] Michael Ephes. in Arist. ἠθικ. Ad Nicomach.
[h] Rom. i. 21, &c. [i] Vide Tiraq. lib. vii. Connub. n. 22.
[k] Xenoph. lib. iii. ἀπομνμη.
[l] Agath. Hist. 2. [m] Æn. vi.

which were not hallowed by law and honour; an inauspicious conjunction "sine cesto Veneris," in which their goddess of love was not president; marriages made without her girdle, and so "ungirt," "unblessed." This word, being taken into the civil law, got a signification to be appropriate to it; for there were three degrees of unlawful marriages: "damnatæ," "incestæ," and "nefariæ."—"Damnatæ nuptiæ" are such, which the law forbids upon political considerations; such as are between the tutor or guardian and the orphan or pupil, between a servant and his mistress, between a freedman and his patroness; and such was, in the law of Moses, between the high priest and a widow; and in christianity, between a priest and a harlot, and between any man and her whom he defiled by adultery, while her first husband was alive, —all marriages with virgins professed and vowed. There is in these so much unreasonableness of being permitted, that by the law they stood condemned, and had legal punishments and notes of infamy proportionable. "Incestæ nuptiæ" are defined in the law[n] to be "coitio consanguineorum vel affinium;" "the conjunction of kindred or allies," meaning, in those instances which are by law forbidden: and these are forbidden upon differing considerations from the former, viz. for their nearness of blood and relation, which the laws would have disseminated more or less,—for their approach to unnatural marriages,—for outward guards to the laws of nature,—for public honesty, and compliance with the customs of their neighbours, of the same interest, or the same religion, or for necessary intercourse. But because unskilful persons or unwary have called "unnatural" mixtures by the name of "incestuous," as incestuous Lot, and the incestuous Corinthian; therefore what any law calls "incest," they think they have reason to condemn equally to those abominable conjunctions. But neither ought "incest" to be condemned with a hatred equal to what is due to these;[o] neither ought these to be called "incest:" for in true speaking these are not "incestæ nuptiæ," but "nefariæ," and "naturæ contrariæ," "wicked or abominable, and contrary to nature;" for although the law sometimes calls those mixtures, which are between kindred, by the title of "nefariæ," or impious, yet it is to be understood only of that kindred, which is by the law of God and nature forbidden to marry: so the gloss[p] in Authentic. de Incest. Nupt. affirms, so Archidiaconus, Johannes Andreus, Covaruvias, and the best lawyers: and the word is derived from the usage of it in the best authors: "Feræ quoque ipsæ Veneris evitant nefas;" the conjunction of parents and children is "nefas Veneris," and the marriages "nefarious." Now of this deep tincture none are, excepting marriages in the right ascending and descending line. The marriages of brothers and sisters are incestuous, and the worst degree of it; and so forbidden by the laws of all civil nations: but, therefore, they are unlawful only because forbidden by positive laws; but because the prohibition is not at all in the laws of Christ, therefore it cannot be accounted against the prime law of nature, of which that is a perfect system. Not that it can, in any case of present concernment or possibility, become lawful, or for any reason be dispensed withal by any power of man: for it is next to an unnatural mixture, it hath in it something of confusion, and blending the very first partings of nature, it is of infinite vile report, intolerably scandalous, and universally forbidden. But though this be enough, yet this is not all.

25. Michael of Ephesus[q] says, that at the first these marriages were indifferent, but made unlawful by a superinduced prohibition. And indeed, if they had been unnatural, they could not have been necessary. For it is not imaginable, that God, who could with the same facility have created a thousand men, and as many women, as one, would have built up mankind by that which is contrary to human nature: and therefore we find, that among the wisest nations, some whom they esteemed their bravest men did this. Cimon the son of Miltiades, married his sister, Elpinice, "non magis amore quam patrio more ductus," said Cornelius Nepos, "not only led by love, but by his own country's custom." So Archetolis, the son of the brave Themistocles,[r] married his sister, Mnasiptolema. Alexander, the son of Pyrrhus, king of Epirus, married his sister, Olympias; Mithridates married his sister, Laodice: Artemisia was sister and wife to Mausolus, king of Caria: so was Sophrosyna, to Dionysius, of Syracuse; Eurydice, to Ptolemæus Philopater; Cleopatra, to Ptolemæus Physcon; Arsinoe, to Ptolemæus Philadelphus; whom when Sotades had reproved upon that account, saying, *οὐκ εἰς ὀσίην τρυμαλιὴν τὸ κέντρον ὠθεῖς*, he imprisoned him. But I need not bring particular instances of Egyptians, for Diodorus Siculus affirms, that they all esteemed it lawful, and Dion Prusæensis says, that all the barbarians did so.[s]

26. But all the Greeks[t] did so too, having learned it from their first princes, whom after-ages had turned into gods,

——Dii nempe suas habuere sorores:
Ut Saturnus Opim, junctam sibi sanguine junxit,
Oceanus Tethyn, Junonem rector Olympi. Ovid. Met.

Though I suppose that this is but a fabulous narrative, in imitation of the story of Cain and Abel, as appears by their tale of Jupiter and Prometheus: which is well noted by the observator upon the mythologies of "Natalis Comes," under the title of "Jupiter." But that which moves me more than all this, is the answer which Tamar gave to her brother Amnon: "Now therefore speak unto the king, for surely he will not withhold me from thee," and yet she was his father's daughter, his sister by the paternal line:—and Abraham told the king of Gerar concerning Sarah, his wife; "and yet indeed she is my sister, she is the daughter of my father, but not the daughter of my mother;" that is, the

[n] C. Lex illa. Sect. incest. 36. q. 1. L. si adult. cum incest. in prin. D. de Adult.
[o] Text. in Authentic. de Incest. Nupt. in Princ. Collat. 2.
[p] C. cum secund. Leges de Hæret. in 6.
[q] In 5. ad Nic.
[r] Plut. in Them.
[s] Vide Lucian. lib. de Sacrificiis.
[t] Vide Alex. ab. Alexan. lib. i. c. 24. Genial Dierum.

daughter of Terah, as was generally supposed, of which I shall yet give further accounts. Now it is not to be supposed, that either Abraham before, or David after the law, would have done or permitted any thing against the law of nature: and if it was against positive law, as it happened in the case of Amnon and David, the marriage might be valid though forbidden, and the persons be excused upon some other account, which is not proper here to be considered.

27. But I again renew what I said before, this discourse is not intended so much as secretly to imply that it can now at all be, or be made, lawful, or is at any hand to be endured. For the marriage of brother and sister is against a secondary law of nature; that is, it stands next to the natural prohibition, and is against a natural reason, though not against a prime natural law. Every reason, indeed, is not a sufficient indication of a law, nor a natural reason of a natural law; but when the reason is essential to nature consigned by God, then it is: and as a reason approaches nearer to this, so the action is more or less natural or unnatural; and this is the case of brother and sister. For the reverence which is due to parents, hath its place here also, "propter recentem admodum parentum in liberis imaginem;" and therefore it is, with greater reason, forbidden; and if it were not, the whole world might be filled with early adulteries. For the dearnesses of brother and sister, their cohabitation, their likeness of nature and manners, if they were not made holy and separate by a law, would easily change into marital loves: but their age and choice would be prevented by their too early caresses: and then since many brothers might have the same kindness to one sister, or might have but one amongst them all, the mischief would be horrible and infinite.

Dulcia fraterno sub nomine furta tegemus.
Est mihi libertas tecum secreta loquendi,
Et damus amplexus, et jungimus oscula coram;
Quantum est, quod desit!——— Metam. l. 9.

28. For these and other accounts, which God best knew, he was pleased to forbid the marriage of brothers and sisters: this law, the Jews say, God gave to Adam under the title "De non revelandâ turpitudine;" but yet so, that it was not to be of force till mankind were multiplied: but then it took place as men did please. But this they say upon what ground they please; for it is highly improbable that the law of nature should be allowed years of probation, or that it should be a prime law of nature, which the nature of things and the constitution of the world did make necessary to be broken. But because God did afterwards make it into a law, and there is now very great reason that it should be a law, and the reason is natural, and will be perpetual, and all christian nations, and all that have any formed religion, have agreed to prohibit such marriages:—he that shall do so unreasonably, and as things now stand, so unnaturally and so foolishly as either to do it, or teach it, must be of no religion, and of no people, and of no reason, and of no modesty.

Of Mothers-in-Law, and their Husband's Children.

29. That the marriage of these is not against the law of nature, St. Austin[u] does expressly affirm in his questions upon Leviticus; saying that "there is forbidden the discovering his father's nakedness;" but this is not to be understood of the father while he is alive, for that is forbidden in the prohibition of adultery: "Sed ibi prohibetur matrimonium contrahi cum illis, quas seclusa lege licet uxores ducere;" "marriage is there forbidden to be made with them, with whom otherwise it were lawful to contract:" but for this there can be no reasonable and fair pretence. For a mother-in-law and a mother are all one in the estimation of all the laws of the world. and therefore were alike in the prohibition; and the contrary was never done but by them who had no pretence for it, but "quod libet, licet;" "whatsoever a man hath a mind to do, that he may do;"—for this was the argument which Phædra courts Hippolytus withal;

Nec, quia privigno videar coitura noverca
Terruerint animos nomina vana tuos.
Ista vetus pietas, ævo moritura futuro,
Rustica Saturno regna tenente, fuit.
Jupiter esse pium statuit, quodcunque juvaret;
Et fas omne facit, fratre marita soror. OVID.

The impiety of their gods seemed to be their warrant, and their pleasure was all their reason, their appetite was their argument. But this we find sufficiently condemned by St. Paul, "it is a fornication, which is not so much as named amongst the gentiles,—that one should have his father's wife." Cajetan supposes, that this Corinthian did lie with her while his father was alive; because the apostle calls her not the widow, but the wife of his father. I am of his opinion, but not for that reason; because that expression he uses not so much to describe the person as to aggravate the crime: but that it was in his father's lifetime I am induced to believe by the word πόρνεια, "fornication," which though it be often used for "adultery," yet I find it not used for "nuptiæ nefariæ," or that which is usually called "incest." But however, that which St. Paul notes here and so highly abominates, is not the adultery, but the impiety of it; not that it was a wife, but his father's wife; and therefore although even so it were a high crime and of a deep tincture, yet the unnaturalness and the scandal of it St. Paul here condemns: it was the same that Antiochus did to Stratonice, the wife of his father Seleucus, and that which Reuben did to the concubine of his father Jacob; a thing so hateful to all nature that the very naming of it is a condemnation; and therefore is all one with the prime natural law of prohibition of the conjunction of parents and children; for she that is one flesh with my father, is as near to me as my father, and that is as near as my own mother; as near I mean in estimation of the law, though not in the accounts of nature, and therefore, though it be a crime of a less turpitude, yet it is equally forbidden, and is against the law of nature, not directly, but by interpretation.

[u] Quest. 61.

Of Uncles and Nieces.

30. Now if the nearest of kin in the collateral line were not forbidden by a law of nature, much less are they primely unlawful that are further off. The ascending and descending line cannot marry, but are forbidden by God in the law of nature: so mothers-in-law and their husband's children: and brothers and sisters are, by the laws of all the world, and for very great reason, forbidden, but not by the law of nature. But for all other degrees of kindred, it is unlawful for them to marry interchangeably, when and where they are forbidden by a positive law, but not else; and therefore the marriages of uncles and nieces, or aunts and nephews, become unlawful, as the laws of our superiors supervening make it so, but was not so from the beginning, and is not so by any law of Christ.

31. In the civil law of the Romans, it was lawful for the uncle to marry the brother's daughter, and this continued by the space of two hundred and fifty years from the days of Claudius to the reign of Constantine, or thereabouts: and though this began among the Romans upon the occasion of Claudius's marrying Agrippina, yet himself affirms, (as Tacitus[x] makes him to speak,) "Nova nobis in fratrum filias conjugia: sed aliis gentibus solemnia, nec lege ullâ prohibita:" "Indeed it is new to us, but to other nations usual and lawful:" and the newness of it scared Domitian so that he refused it; and not many did practise it: only I find that a poor obscure libertine, T. Alledius Severus, did it, as Suetonius observes: but it was made lawful by the civil law, and allowed in the rules of Ulpian; and when Nerva had repealed the law, Heraclius reduced it again, and gave the same permissions.

32. But that which moves me more is, that it was the practice of the Jews, the family of Abraham, and the council of the wise men to do so, as Ben Maimon the famous Jew reports: "In monitis sapientum habetur, ut in uxorem ducat quis ante alias, neptem ex sorore, seu ex fratre neptem, juxta id quod dicitur, à carne tuâ ne te abscondas:" and Josephus does suppose, that when Abraham said of Sarah, "she is my sister, the daughter of my father," the truth is, she was his father's grandchild, that is, the daughter of Abraham's brother; for unless it had been a known thing in that nation, that Abraham's family would not have married their german-sisters, it could have been no security to Abraham to pretend her to be so: for she might be his wife and his sister too, unless such marriages had been unlawful and rejected. But then when Abraham was reproved for his lie, he helped the matter out with a device; she was his father's daughter, that is, by the usual idiom of that family, the child of his father descending by his brother: and this was St. Austin's[y] opinion, "Nam qui maxime propinqui erant, solebant fratres et sorores appellari;" and Cicero[z] calls his cousin Lucius, brother; so Lot[a] is called Abraham's brother, though he was but the son of his brother Haran, just as near as his wife Sarah was to him, whom for the like reason he called sister. But of this I shall yet give a further account. But whether Josephus said true or no, Abraham said true, that is certain; either she was his half-sister, or his brother's daughter; either of which is forbidden in Leviticus; and this sufficiently declares that they have their unlawfulness from a positive law, not from any law of nature.

33. If it were needful to instance in any other great examples of such marriages, it were very easy to do it. Amram, the father of Moses, married his aunt, as some suppose; Diomedes and Iphidamus, among the Greeks, married their mother's sisters; and Alcinous took to wife Arete, his brother's daughter. Andromede was promised to her uncle Phineus. One of the Herods married his brother's daughter, and yet was not (so far as we find) reproved for it; and he gave his own daughter to his brother Pherotas; and some suppose this to be the case of Othniel, in the days and under the conduct of Joshua. For the words in the story are these:[b] "And Othniel the son of Kenaz, the brother of Caleb, took it: and he gave him Achsah his daughter to wife:" but of this I shall give a particular account: for this being against the law of Moses by which they were bound, was not to be supposed easily to have been done by so pious persons: but all that I contend for, is, that it was not unlawful before the law of Moses: against these marriages there was no "opus scriptum in cordibus," no law of nature, but they became unlawful upon another account; and therefore it was unlawful to them only, to whom that account was to be reckoned.

Of the Marriage of Cousins-German.

34. From the premises it will abundantly follow, that no person ought to be affrighted with the pretences of any fierce and mispersuaded person, that the marriage of cousins-german is against the law of nature: and in this case a man need least of all to fear; for the law of nature is a known and evident thing, it is notorious and felt, and if any man shall need to be told what is against natural reason, which is the matter out of which all natural laws are framed, he may as well have need to be reminded, when he is hungry or thirsty. For although some persons have got a trick to scare their proselytes from a practice to which they have no mind, by telling them it is against the law of nature, when they can prove it upon no other account to be unlawful, so making the law of nature to be a sanctuary of ignorance and an artifice to serve their end, just as the pretence of occult qualities is in natural philosophy; yet concerning the law of nature, it being imprinted in our hearts, explicated by christianity, relying upon plain, prime, natural reason, a man may as much need to be told when himself does a thing against his own will, as when he does against his own reason and his own nature. Only it is certain, that when education and our country customs have, from the beginning, possessed our understandings and our practices, so that we never saw any other usage of things or heard talk of any other, it looks as if it came from nature, and were

[x] Annal. lib. xii. [y] Lib. xv. de civit. Dei. c. 16. [z] L. v. De fin ib. [a] Gen. xiii. 8. [b] Josh. xv. 17.

something of her establishment: so St. Paul to the Corinthians, "does not even nature herself teach, that it is a shame for a man to wear long hair?" that is, even in nature there is the signification of some difference in that matter, which custom hath established into a law: but in such cases as these, a wise man can easily distinguish words from things, and appearances from firm establishments. But that the law of nature hath nothing to do in the marriage of cousins-german, save only that she hath left them to their liberty, appears from all the premises, which in this instance, as being further removed, must needs conclude stronger than in their own.

35. But then, in the next place, if the inquiry be made, what it is in the judicial law of Moses, which is the main of our present inquiry, supposing the judicial law of Moses could, in any of its instances, oblige christians, yet cousins-german were still free to marry: for I do not so much as find it pretended by any one to be there forbidden, except St. Ambrose, who disputing fiercely against Paternus for marrying his son to his grandchild by another venter, that is, so as the young gentleman was uncle to his wife, in anger against that, says that by the law of God (meaning in Leviticus) cousins-german are forbidden to marry, much more (says he[c]) uncle and niece: "Qui enim leviora astringit, graviora non solvit sed alligat:" "He that binds to the less, does not untie the greater." But the event of this is only that St. Ambrose is by all learned men condemned for an ἁμάρτημα μνημονευτικὸν, "a slip in his memory:" and men ought to be wary, lest great names abuse them by opinion and mistaken zeal.

But the law is this, Lev. xviii. 6. "None of you shall approach to any that is near akin to him, to uncover their nakedness: I am the Lord." Here the questions use to be,

1. What is meant by "none of you?"

2. What is intended by "near of kin to you?"

36. "None of you:" "Vir vir non accedet:" ἄνθρωπος ἀνθρωπος in the LXX. "A man, a man shall not approach:" so it is in the Hebrew: that is, say the Rabbins, "the Jew and the gentile shall not." I shall not contend for it, or against it. I suppose it may well be admitted, that potentially all mankind was included, that is, all who were born to Israel, or adopted by being proselytes, were bound to this law, Jews, and gentiles too when they became Jews in religion, but that it included others, that conversed not with the nation, that were strangers to their laws, is as if we should say the Parthians were to be judged by the Gallic laws, or the Persians guided by the Greeks. But the purpose of them who would introduce this sense, is, that it might be intimated that these degrees here mentioned were forbidden by the law of nature, and consequently obliging all christendom: the contrary whereof because it appears from the premises, I shall only add, that no nation of old did observe all these laws, and that there was never any sufficient argument to enforce upon us their obligation, and because it must needs remain to us as it was before the law,—if they were not obliged then, neither are we. But this I suppose they might be, and some of them were obliged by special laws before the collection and publication of the body of Moses's law. For as the law of Christ is a collection and perfect explication of the law of nature and essential reason; so Moses's law was a collection of all the wise and prudent laws, by which God governed those nations and those ages which were before Moses. Thus the law of the sabbath was one great member of this collective body of the Mosaic law; but it was given before the solemnities of mount Sinai. The law that the brother should raise up seed unto his brother who died without issue, was also given to that family before the publication of it by Moses, as appears in the story of Judah and Tamar's quarrel about Onan and the rest. And thus also I suppose, that all or most of these laws of marriage were given to the nations of the east and south, descending upon them by the tradition of their forefathers; from God derived to Adam in part, and in part to Noah, and something of it to other patriarchs and eminent persons, and at last by the commandment of God united into a digest by Moses.

37. And upon this account it is, that God said that "the Canaanites had polluted themselves in all these things, and therefore the land did spew them out;" which, although it cannot infer that these laws did naturally oblige, as I have already discoursed,[d] yet that they were, by some means or other, bound upon them, is probable enough, though in this matter there be no certainty. But in this there is; for that all mankind was not bound by all these laws of consanguinity and affinity, appears in all the foregoing instances: and the marriages of the patriarchs must conclude them to be as impious as the Canaanites in theirs, or else that these laws did not oblige all mankind; and if not from the beginning, then not now: if these laws were not natural, they are not christian, which also will further appear in the sequel.

2. But there will be more consideration upon the second quære, what is meant by "near of kin to you?"

38. Our English is not sufficiently expressive of the full sense of it. The Latin is something nearer to the Hebrew, "Vir non accedet ad propinquitatem carnis suæ;" "To the nearness of his flesh," πρὸς οἰκεῖα σαρκὸς, or as other books, πρὸς οἰκεῖαν σαρκὸς, "ad domesticam carnis suæ," "to her that is so near of kin, that they usually dwell in the same house;" that is, parents and children, brothers and sisters, or our parents' brothers and sisters. In these cases, there being ever the same account of consanguinity and affinity; this rule takes in all that is there forbidden. But it is highly observable that there is great difference between "propinqui" and "cognati." God never forbade to marry our kindred, but he forbade to marry the nearness of our flesh. Which phrase when we rightly understand, this whole question will be quickly at an end.

39. For "near of kin" is an indefinite word, and may signify as uncertainly as "great" and "little" do: nothing of itself determinately, but what you

[c] S. Amb. ep. 66. ad Paternum.

[d] Supra, n. 14.

will comparatively to others: and it may be extended to all generations of mankind where any records are kept, as among the Jews they were: from Judah to Joseph, the espoused of the blessed Virgin, from Benjamin to Michael, from Levi to Heli: and thus it is in great proportion amongst the Spaniards and Welch, and, in all nations, in their greater and more noble families. The Welch do, to this day, esteem him near of kin to them, whom the English do not: and since we see the prohibition of marriage with kindred hath been extended sometimes, and sometimes contracted, it is necessary that all lawgivers do express what is meant by their indefinite terms.

40. Hemingius gives a rule for this as near as can be drawn from the words and the thing. "Propinquitas carnis," saith he, "quæ me sine intervallo attingit." That is, "she that is next to me, none intervening between the stock and me:" that is, the propinquity or nearness of my flesh *above* me is my *mother*, *below* me is my *daughter*, on *the side*, is my *sister*, this is all: with this addition, that these are not to be uncovered for thy own sake; thy own immediate relations they are: all else which are forbidden, are forbidden for the sakes of these: for my mother's or my father's, my son's or my daughter's, my brother's or my sister's sake; only reckon the accounts of affinity to be the same: "Affinitates namque cum extraneis novas pariunt conjunctiones hominum, non minores illis quæ è sanguine venerunt:" said Philo;[e] "Affinity makes conjunctions and relations equal to those of consanguinity:" and, therefore, thou must not uncover that nakedness, which is thine own in another person of blood or affinity, or else is thy father's or thy mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness. This is all that can be pretended to be forbidden by virtue of these words, "near of kin," or "the nearness of thy flesh."

41. And this we find expressed[f] in the case of the high priest's mourning: "The high priest might not be defiled for the dead among his people, but for his kin that is near unto him, he may;" that is, for his mother, and for his father, and for his son, and for his daughter, and for his brother, and for his virgin-sister. This is the "propinquitas carnis," she that is immediately born of the same flesh that I am born of, or she out of whose flesh I am born, or she that is born out of my flesh, is this "near of kin." There is no other propinquity but these, all else are removed; and when a bar does intervene, all the rest are or may be accounted "kindred," but "not near of kin," not the nearness of my flesh, which only is here forbidden.

42. Only this more: that since the prime natural law does forbid the marriage of the ascending and descending line, that is, fathers and children, and so consequently and by a stronger reason, grandchildren, and downwards for ever in descent; God was pleased to set a προφυλακή, "a bar and a hedge" round about this to keep men off, far off from it,—that if men would be impious, they might not, at first, come to the highest step: and, therefore, as God placed the prohibition of brother and sister under, so on the side of it he forbade the marriage of uncles and aunts: for they are thy father's or thy mother's "near kin," they are to them the "propinquitas carnis;" therefore, for the reverence of father and mother the Jews were bidden to keep off one step more; for the last step of lawful is soon passed over into the first step of unlawful, and therefore God was pleased to set them further off. And the christian divines and lawyers, well understanding this, express the prohibition to this sense: that uncles and aunts are not to be married, because they are "loco parentis," they are "quasi parentes," images of fathers and mothers, for the reverence of which, the marriage of our uncles and aunts respectively are forbidden. This is just as it was forbidden to the Jews to make an image; which thing could not have any moral or natural obliquity; but it was set as a προφυλακή, "a guard and a hedge" to keep them off from worshipping them. The case is the same here: for the Jews were as apt to comply with the Egyptians and Canaanites in their incestuous mixtures, as in their idolatrous worshippings; but, therefore, the hedges were placed before them both. But half an eye may see the different accounts, upon which, in this place, was passed an equal prohibition.

43. But besides all this, what better determination can we have of these indefinite words of "near of kin," or "the nearness of thy flesh," (for those are the words in the Hebrew, so they are to be rendered,) than the express particulars made by God himself in that very place; where none are reckoned in the equal collateral line, but brothers and sisters, and their "affines" or allies" their husbands and wives respectively; none in the unequal collateral line, but uncles and aunts and their allies; in the ascending and descending line, fathers and mothers, their children and their grandchildren with their allies; in all which there is nothing at all that concerns cousins-german, neither upon any thing of this account can they be supposed to be forbidden, or to be "the nearness of our flesh."

44. But if any scrupulous person shall inquire further, and suspect that some degrees or persons are forbidden to marry that are not here expressed, but included by a parity of reason, as it happens in another instance: for it is not forbidden to marry our mother's brother's wife; but because here it is made unlawful to marry father's brother's wife, it is to be concluded also for the other, there being the same degree and the same reason.

45. I answer to this by parts; 1. It is very likely that it is so intended, that in equal cases there is an equal prohibition; but it cannot certainly be concluded and relied upon that it is so. 1. Because upon this account cases of fear and scruple might very much be multiplied to no purpose. For I remember, that Fagius reckons, out of the books of the Rabbins, twenty persons forbidden to marry, which yet are not reckoned in Leviticus. 2. Because of the rule of the law,[g] "Quod lege prohibitoriâ non vetitum est, permissum intelligitur:" "In negative precepts

[e] De leg. special. [f] Levit. xxi. 2. [g] L. Mutus. 43. D. de procur.

that which is not forbidden, is presumed to be allowed." And to add more out of fear is either to be wiser than the lawgiver, or to suspect him to be apt to quarrel by unknown measures, and secret rules of interpretation. 3. Because I find, that, amongst wise nations, the same degree does not always admit the same prohibition. To marry my father's sister was forbidden, and it was not forbidden to marry my brother's daughter, but it was sometimes practised amongst the Hebrews; and they give this reason for it; because young men, daily frequenting the houses of their grandfathers and grandmothers, converse with their aunts, and are therefore forbidden to marry, lest such conversation should become their snare: but to the houses of their brethren their address is not so frequent, their conversation more separate, and their interest and expectations less, and therefore to marry the daughters of their brother might with more safety be permitted, because there is less temptation. Thus by the laws given to the sons of Noah, the Jews observe, that it was permitted to marry the sister by the father's side, but not our sister by the mother. It was Abraham's case; for as Saidus Batricides, the patriarch of Alexandria about seven hundred years since, in his Ecclesiastical Annals, tells out of the monuments of the east: "Terah begat Abraham of his first wife Jona; and, she being dead, he married Tehevitha, and of her begat Sarah—Abraham's wife: and this is it which he said, 'she is the daughter of my father, but not the daughter of my mother:'" from whence they suppose this not to be permitted, and that the other was; for so R. Jarchi glosses those words of Abraham now quoted: "Quoniam inter gentes ratio consanguinitatis paternæ neutiquam habebatur:" "Because among the gentiles" (meaning by the law of nature, or the law given to Noah) "there was little or no account made of kindred by the father's side in the matter of marriages." So amongst the Romans, after the time of Claudius, it was permitted to marry the brother's daughter, but not the sister's daughter, as appears in the rules of Ulpian; but the reason of this particular instance, I confess, I cannot learn; I only observed it to this purpose, that amongst wise nations, the same degree hath not the same prohibition.

46. But I am willing enough to admit it with these cautions.

(1.) That there be not only the same degree, but the same reason: for as Ulpian well observes in his rules: "In quarto (gradu) permittitur (connubium) extra eas personas, quæ parentum liberorumque locum habent:" therefore, says he, they add that the great aunt by the father's and by the mother's side, and the sister's niece, may not be married, "Quamvis quarto gradu sint," "although they are in the fourth degree:" because the prohibition is not always for the nearness or for the degree, but for the proper reason; and if you could suppose a woman to live to see six generations of her line, yet it is unlawful for her to marry that sixth degree of nephews, and not unlawful to marry the first degree of cousins.

47. (2.) In the descending line, the case is otherwise than in the equal line. Here the further off the persons are, the less reason still there is they should be forbidden: but in the descending line, the further the persons are removed, the greater cause there is they should be forbidden: therefore, there is no comparison between the cognation of uncles and their nieces, and the cognation of cousins in the equal lines: because the reason distinguishes them, not the kindred or nearness to the common parent.

48. (3.) It is true which is affirmed in the law, "In pari cognationis gradu, par idemque jus statuatur:" "When the cognation is the same, the law is so too;" that is, if it be measured in the same kind of cognation: ascending compared to ascending, equal collateral to equal collateral, unequal to unequal; for when the comparison is of things in the same order, then not only the degree but the reason is most commonly the same too, and that is principally to be regarded.

49. But though I am willing enough to admit this rule with these cautions, yet many others will not, nor think it reasonable that any thing should be supposed to be forbidden in the Levitical law, but what is there set down, excepting the descent of children, in which it is not easy to prevaricate beyond the degrees forbidden expressly, if a man had a mind to it; and it was never heard of, that a marriage was thought of between a woman and her great-grandfather: and they give this reason why they limit themselves to the degrees expressed. Because unless God had intended there a perfect enumeration of all the persons forbidden to contract marriages mutually, it cannot be imagined why he should be pleased to repeat some degrees twice which are equally forbidden in the several instances: for if the parity of cognation were to be the measure, then those degrees, which are twice repeated, might, without such repetition, have better been reduced to the rule, under which they were sufficiently prohibited.

50. (2.) But whether it be or be not so, yet it can no way reach to the case of cousins-german: for there is, in Leviticus, no degree equally near that is forbidden, except of such persons which are in the place of parents, who are prohibited upon another account.

51. But that which ought to put it past all question that the marriage of cousins-german was not prohibited by the Levitical law either expressly or by consequence and parity of reason, is this: because it was practised by holy men, both before and after the law, and so ordered to be done by God himself. In the law, there are no words against it, no reason against it expressed or intimated in a parity of prohibition given to something else; and it was frequently practised amongst persons of a known religion, and was, by God, given in command to some persons to do it; therefore nothing is more certainly warranted, excepting only express commandments.

52. The particulars I relate to in Scripture, are these; Jacob married his cousin-german Rachel, the daughter of his uncle Laban. Amram,[h] the father

[h] Exod. vi. 20.

of Moses, begat him of his cousin-german Jochebed. That she was his aunt is commonly supposed, but the LXX and the vulgar Latin report her to be his aunt's daughter, though by the style of the Hebrews she was called his aunt: just as Hanameel is called in some books the uncle of the prophet Jeremy,[l] when he was really his uncle's son; and so the vulgar Latin Bibles read it: and Lot was called "brother" by Abraham, when he was his brother's son. Caleb having promised his daughter Achsah to him that should take Kirjath Sepher, she fell to Othniel the son of Kenaz, Caleb's brother; so Pagnine and Arias Montanus read it, "filio Kenaz fratris Caleb," meaning Kenaz to be Caleb's brother: so that Othniel and Achsah were brother's children; for it cannot be supposed that Othniel was Caleb's brother, and so was uncle to Achsah; for that being forbidden in the law of Moses, under which Othniel and Achsah lived, was not a thing so likely to be done, and consented to by Caleb: as I have already noted.[k]

53. But the matter was made more notorious in the case of Zelophehad's daughters;[l] who, because they were heiresses, were commanded to marry their kindred; and they married their father's brother's sons. This was a special case, but therefore it was a special command; and what was, in all cases, lawful, was made, in this case, necessary. For if the woman was an heiress, she was to pleasure her own family rather than strangers. And this was not only amongst the Jews, but amongst the Greeks and Latins, as appears by that of the comedy,—

> Lex est ut "orbæ, qui sunt genere proximi,
> Iis nubant;" et "illos ducere" eadem hæc lex jubet.
> TER. in Phor.

If the woman was without children (add also) and without a father, that is, if her father be dead,—the next of kindred was bound to marry her: and therefore, when Æschylus[m] calls the marriage of certain cousins-german λέκτρα ὧν θέμις εἴργει, "marriages which the law forbids," and affirms μαίνεσθαι γένος, "the family is stained by it,"—the scholiast adds, that therefore "these marriages are unlawful, because the fathers were alive;" and so it was not unlawful upon the stock of kindred; but because the maid was ἐπικληρῖτις, an "heiress," and might not marry without her father's leave. This woman was called among the Greeks ἐπιδικαζομένη, "a woman determined by law," and already judged to such a marriage; πατροῦχος, and ἐπίκληρος, or ἐπικληρῖτις, and to them that were so, it was not free to marry any one; they must marry their kindred;—

> Hic meus amicus illi genere est proximus,
> Huic leges cogunt nubere hanc.——ADELPHI.

And we find in the old civil law, that one Cassia was declared inheritrix upon condition, "Si consobrino nupsisset:"[n] "if she did marry her cousin-german:" and Papinian[o] affirms, "conditionem illam, si consobrinam duxeris, hæreditatis institutioni utiliter adjici posse;" it is a legal and a fair condition, and may be the limit of an inheritance, that the heiress be bound to marry her cousin-german. And this in some measure was the case of Ruth,[p] whom Boaz, great-grandfather to king David, did marry by the right of a kinsman. "Now it is true," saith he, "that I am thy near kinsman, howbeit there is a kinsman nearer than I:" which kinsman, because he refused to marry Ruth, Boaz took her to wife, and she became a mother in the line of the Messias; for Christ came out of her loins according to the flesh.

54. Into which line because this argument hath led me, I offer it to consideration as the last and greatest example of the lawfulness and holiness of such marriages under the law of Moses, and as a warranty to all ages of the christians; the blessed Virgin Mary, the mother of our most blessed Saviour, was married to her cousin-german,—as was supposed upon this reason: for her husband Joseph was the son of Heli, saith St. Luke;[q] that is, the legal son of Heli; for Jacob begat him, saith St. Matthew. Now Heli and Jacob were brethren, the sons of Matthat, who was grandfather to Joseph and Mary; for unless, by the cognation of Joseph and Mary, the same genealogy had served for them both, the reckoning of the genealogy of Joseph could not have proved Jesus to have descended from David. But if this instance should fail, and that their consanguinity (for they were cousins) did stand at further distances; yet there are examples, and reasons, and authentic precedents, already reckoned enow to warrant us in this inquiry.

55. By all which it appears, what was the state of these marriages under the law of Moses; and yet all the scruple, at which weak persons start or stumble, is derived from that sanction in Leviticus: which, in despite of all reason, and all precedents, and all observations whatsoever, they will needs suppose to be a natural and moral law, so making eleven commandments: for certain it is, that the ten commandments was to the Jews the sum of their moral law: in which, since some things that were ceremonial were inserted, it is not likely that any thing that was moral should be omitted. In the ten words of Moses, there was nothing less than their whole moral law, though something more there was: but this of forbidding cousins to marry was no where put. If it had been put in Leviticus, it was but national and temporary; for I have proved it was not against the law of nature, which permitted nearer relatives than cousins-german to marry. I have also proved that the sanction of Moses did only oblige Jews and proselytes; that if they had obliged at all, yet cousins-german are not there expressly forbidden,—and if they be not there expressly forbidden, they are not forbidden at all: but in case that other degrees of equal distance and reason were there forbidden, though not expressed, yet this of cousins-german is not, by any consequence or intimation of that, forbidden, because no degree is there forbidden which can involve this, but it hath

[l] Jer. xxxii. 12. [k] N. 33. [l] N. 36.
[m] In Danaidib. [n] Lib. ii. C. de instit. et subst.
[o] Lib. xxiii. et xxiv. D. de ritu nuptiarum.
[p] Ruth iii. 12. [q] Luke iii. 23.

a special case of its own, in which this is not at all concerned, and all this I strengthened with examples greater than all exception.

56. It remains now that we descend to the christian law, and inquire, whether our great Master and Lawgiver, Jesus Christ, hath forbidden cousins-german to marry? But this is soon at an end; for Christ spake nothing at all concerning marriage but one sentence which reduced it to the first state of nature, save only that he left us, in all things, bound by the laws of nations and our just superiors, of which two last I shall give account in the following periods. But of that which Christ said, the sum is this only: "For this cause shall a man leave father and mother and cleave to his wife, and they two shall be one flesh." By which words he did establish all that was natural and moral in this affair. "A man shall leave father and mother:"—by these words are forbidden the marriage of parents and children. "He shall cleave to his wife:"—by this is forbidden "concubitus masculorum." "His wife:"—by this is forbidden adultery, or the lying with another man's wife, and extra-nuptial pollutions. "Erunt duo,"—"they two:"—by that is forbidden "polygamy." "In carnem unam,"—"shall be one flesh:"—by this is forbidden bestiality, or the abuse of "caro aliena," the flesh of several species; which are all the unlawful and unnatural lusts forbidden by God in the law of nature, and that which was afterwards given to all mankind, and inserted in the Levitical law as the consummation and main design of the other prohibitions, which were but like hedges and outer guards to these.

57. There is in the New Testament only one law more which can relate to this question of marriages: "Provide things honest in the sight of all men;" and "Follow after things which are of good report;" that is, whatsoever is against public honesty, the law of nations, the common sense of mankind, that is not to be done by christians, though of the instance there be no special prohibition in the laws of Jesus Christ; and Modestinus the lawyer said well, "In nuptiis non solum quod liceat, sed etiam quid honestum sit, semper est respiciendum." Concerning which, lest there be a mistake in it, I premise this caution in general, that we do not take false or weak estimates of public fame and honesty. Nothing but the laws of God and men, or the universal sentence of that part of mankind with whom we any ways converse, is the measure of public honesty. Thus for a bishop to ride a hunting in his pontificals, or for a priest to keep an alehouse, is against public honesty: of the same nature are, for a woman to paint her face, or to go in man's apparel. But—when a thing is disputed on both sides by good and learned men, to do either is not against public honesty;—that is a certain rule; for when a thing is called good and honest by wise and good men, the question is divided, and therefore cannot be united against either of them. Upon this account St. Paul reproved the incestuous Corinthian, because he had done a fact which was not so much as named, that is, approved amongst the gentiles, that "one should have his father's wife." Caracalla indeed did it afterwards; and it was, before his time, done in the family of Seleucus; but these were insolent examples, ever disallowed by the Romans and all the nations within their circuit; and consequently the Greeks had, long before St. Paul's time, been more restrained in their too great licentiousness of marriages. And when the custom of this thing had procured a license for it amongst the Scots, St. Margaret, wife to Malcolm III. their king, did reduce the contrary law of nations, and forbade a son to marry his father's wife, or a brother to marry his brother's widow.

58. Beyond this the New Testament having nothing, if we reduce this to the present question, we must consider whether the marriage of cousins-german be against public honesty or good report, that is, whether it be condemned by the law of nations and the prevailing sentences or practice of wise men.

59. Concerning this, I find that Plutarch, speaking of the ancient laws and usages of the Romans in marrying their kindred, says, It was a practice before it was a law: and there happened to be a case of a good man who had a great advantage by marrying his cousin-german; upon occasion of which the people made a law that it should be permitted to any one to do it, ψηφισάμενος πᾶσιν ἐξεῖναι γαμεῖν ἄχρις ἀνεψιῶν, τὰ δὲ ἀνωτέρω κεκωλύσθαι. Now this was very ancient; and before this law for it, I find no law against it; only if Claudius in Tacitus said true, they were "diu ignorata," no notice of them, or but seldom examples. Concerning which discourse, though men are pleased to talk as serves their turns, yet it is very certain that the elder the times were, the more liberty there was of marrying their kindred. However, there was an early law for it and none against it, that I find; and when it began to be considered, "tempore addito percrebuerunt," said Tacitus,[r] "they in time grew frequent." In the oration[s] of Sp. Ligustinus, in Livy, there is this clause, "Pater mihi uxorem fratris sui filiam dedit:"—"My father gave to me for wife his own brother's daughter:"—and Quintilian, mourning for the immature death of his son, affirms that "he was designed to be son-in-law to his uncle." So Cicero[s] says that his sister married Melinus, his cousin-german; and Augustus Cæsar gave his daughter Julia to Marcellus, the son of his sister Octavia. The brave Brutus, who was the example of a rare moral man and a noble patriot, was married to Portia, the daughter of his wife's uncle, Cato; and that incomparable prince, Marcus Antoninus, the philosopher and emperor, was married to his nearest cousin, Annia Faustina; she was his cousin-german. But thus it was at the beginning; and thus it was at the ending of the Roman state and empire. At the beginning; the two daughters of Servius Tullius were married to their cousins-german, Lucius and Aruns, the nephews of Priscus Tarquinius. Livy[t] indeed says, It was not certain whether these young gentlemen were uncles or cousins-german to their wives; that is, whether they were sons or nephews

[r] Annal. xii. [s] Pro Cluentio. [t] Lib. i. ad V. C.

to Tarquinius Priscus; but Dionysius Halicarnasseus contends earnestly that they were nephews. Toward the declination of the Roman period and state, we find that Constantius, the emperor, gave his sister to her cousin, Julianus.[u]

60. These, and all the foregoing examples of the wisest, of the best, of the most holy persons, patriarchs and kings, consuls and philosophers, lawgivers and saints, the practice and customs of the greatest and most civil nations, are infinitely sufficient to dash in pieces this weak pretence, (if any should make use of it,) that the marriage of cousins-german is against public honesty, and so consequently not of good report: for that which God never forbade, but sometimes did actually command,—which the patriarchs did practise,—which the church of the Jews never scrupled at, but always were accustomed to it,—which wise men and good men have done without reproof,—which was admitted by the law of nations, and is no where contradicted in Scripture, which records many authentic precedents of such marriages,—in all reason ought to be of good report. And certainly nothing hath done dishonour and so lessened the fame and good opinion of such marriages, as the very making a question concerning its lawfulness, and making a scruple even after the question is well determined. To be suspected, lessens the fame of any man or any thing. The doing justice to this article will do it reputation enough.

61. If we now shall inquire how the civil law of the Romans did determine of these marriages, we shall be helped much in the cure of the former fear. For if the law of the Romans allowed it, that law which had so many brave and wise composers, and which so many nations allowed of and practised, and still do in very many kingdoms and republics, we have no reason to think it can be of ill report. But concerning this the matter is not very disputable, it is notorious that the civil law did allow it.[x] Paulus the lawyer said;[y] "Si nepotem ex filio et neptem ex altero filio in potestate habeam, nuptias inter eos me solo auctore contrahi posse Pomponius scribit, et verum est:" and Antoninus the emperor said, "Non videri potest sub specie turpium nuptiarum viduitatem tibi induxisse, cum te filio sororis suæ consobrino tuo, probabili consilio, matrimonio jungere voluerit:" I need in this say no more. It was always permitted in the Greek and Roman laws, till the time of Theodosius, who being overruled by St. Ambrose, forbade it by an express law; "tantum pudori tribuens continentiæ, ut consobrinorum nuptias vetuerit tanquam sororum," said Aurelius Victor; he thought it more nice and modest if he should enlarge the laws, and restrain what was not restrained before: but this, as it arose suddenly, so as suddenly was extinguished; for it was abrogated by Arcadius and Honorius's sons, whose constitution to this purpose is in Justinian,[z] in which these words are remarkable, "Revocata prisci juris auctoritate, restinctisque calumniarum fomentis, matrimonium inter consobrinos habeatur:" "The law that forbade them was occasioned and fomented by calumnies; which being dispersed, the authority of the ancient law was recalled."

62. This only I am to admonish; that in the Theodosian code the law of these emperors seems to say otherwise, as is to be seen under the titles of Si nuptiæ ex rescript. petant: et De incestis nuptiis. But the forgery is notorious enough. For when Alaric, king of the Goths, had commanded his subject Arrianus the lawyer to make a breviary of the code, he fitted those laws to the customs of his own country, and so abused the law of Arcadius and Honorius, as appears plainly by comparing those constitutions which passed under the fingers of Arrianus, with those which under the same rubrics are in the code of Justinian. For in this there is not one word spoken of the marriage of cousins-german under those titles. And as he hath done in the breviary of the Theodosian code, so hath he done in the epitome of Caius's institutions, (he, or some such fellow as bad,) and made the civil law as he pleased expressly against the known sanction of all the old law of the braver Romans. The same also was done by Theophilus, who recited this law according to the manners of his own time, and recites the law of Justinian exactly contrary to Justinian's sense, by clapping a perfect negative to his direct affirmative. But Curtius, the Latin interpreter of Theophilus, hath set it right again according to the true intent of the civil law. But, it may be, I do not well to trouble the question with these little things, when the great lines of duty are so plain and legible: and concerning this we have a full testimony from St. Austin;[a] who having observed that in his time cousins-german did not often marry: "Experti sumus (says he) in conjugiis consobrinorum etiam nostris temporibus . . . . . quam raro per mores fiebat, quod fieri per leges licebat, quia id nec Divina prohibuit, et nondum prohibuerat lex humana." That is, "for cousins-german to marry was neither prohibited by the laws of God nor man:" and so we have a testimony beyond exception concerning the civil law, and the law of God, and the law of the church, till his time. Now if it be objected that he says it was done but seldom, it is no wonder. St. Ambrose and Theodosius, a little before that time, had caused some restraint, and made the matter uneasy: and besides this, if any man could observe concerning any one sort of persons how seldom they marry, that is, how few examples any one man can observe of any degree, though never so distant, this will appear but light, as the dew upon a flower, or the down of a thistle. It is lawful for a father and his son to marry a widow and her daughter; and for two brothers to marry two sisters; and no man questions any thing of it; but "quam raro hoc per mores fiat;" how many examples can any one man reckon? Can he tell so many in one age and of his own notice, as to make them up a multitude?

[u] Lib. iv. Antiq.

[x] Lib. i. sect. duorum inst. de nupt. lib. iii. et lib. non solum. sect. i. D. de ritu nup. lib. C. de instit. et subst.

[y] Lib. si Nepot. iii. D. de rit. nupt. Lib. conditioni. ii. C. de institut. et subst.

[z] Lib. celebrandis C. de Nuptiis.

[a] Lib. xv. c. 16. de civit. Dei.

and yet this would be but a weak argument against it; and not worth a further consideration.

63. That which is to be inquired next into, is the canon law; and that indeed does forbid it: but how, and to what purpose, and with what obligation, will not be wholly useless to consider.

64. (1.) In the very first canons of the church, (excepting only that one framed in the council of Jerusalem,[b]) which are commonly called the canons of the apostles, there is a caution against incestuous marriages, but the instances are only, "He that marries two sisters, or his brother's widow or daughter;" the penalty is, "He may not be received into holy orders:" but for the matter of cousins-german, it was not forbidden until St. Austin's time; and thereabouts, it was true, that "Nondum prohibuerat lex humana, Divina nunquam;" "God's law had never, and till then man's law had not, forbidden it;"—that is, it was then in all senses lawful: and in the synod of Paris, almost six hundred years after Christ, those are defined to be unlawful marriages, "quæ contra præceptum Domini contrahuntur," "which are against the Divine law;" none else; amongst which the present case is not to be suspected: and in the old canons of the church, all the prohibited instances were comprised in these verses, which was their authentic table:

> Nata, soror, neptis, matertera, fratris et uxor,
> Et patris conjux, mater, privigna, noverca,
> Uxorisque soror, privigni nata, nurusque,
> Atque soror patris, conjungi lege vetantur.[c]

But in some assemblies of the bishops, about this time, a little before or a little after, the manners of the nations being spoiled with wars, rudeness, and barbarism, they contracted incestuous marriages: and it was therefore thought fit, that, as the marriages of uncles and nieces were forbidden, as a hedge to keep them farther off from father and mother, son or daughter,—so this of cousins-german was set as a προφυλακή, or an "outward court," to keep them from marrying brother and sister. And therefore Harmenopulus says, they were forbidden by the laws of the Greeks. And it was amongst them no more than was highly needful, for a reason which every one knows. But both there, and in the Latin church, when the prohibition of cousins' marriage is joined in the same decree with the marrying of sisters, the cause is rendered too suspicious. And yet there was an external cause, that had influence upon these sanctions of the church. The Goths then prevailed by the sword, and the church, to comply with the conqueror, was forward to receive this law from them: for the Goths had it before the Romans, and it is very probable that those barbarous people were the great precedents and introducers of the prohibition.

65. (2.) These laws were made by time and accidents, and were extended or contracted as it pleased the popes of Rome, who (as one observes) were, for a long time, "iniquiores et invidi in maritos," apt and easy to make all restraints upon marriages. If it were seasonable and fit, it were not useless to observe many instances out of the canon law to this purpose. But I forbear; that which I now observe, is, that the prohibition amongst them began with cousins-german; then it went to the third and fourth degrees; then to seven; then to four again; sometime to six, as in the synod at Cabaillon; sometimes "usque dum generatio agnoscitur, aut memoria retinetur," "as long as any memory of kindred remains;"—and that will be very far in Wales, where they reckon eight degrees and special names of kindred after cousins-german, and then kin for ever: and truly these canonists[d] proceed as reasonably as their principles would admit. For if cognation or consanguinity was the hinderance of marriage, wherever they could reckon that, they had some pretence to forbid marriage: but if they only forbade it upon the accounts of nature, or by the precedent of the Divine law given to Moses, they were to stop there where nature stopped, or the Divine law. But that they would not, as knowing it to be an easy thing to make laws at the charge of other men's trouble.

66. (3.) The reasons why the projectors of the canon law did forbid to the fourth or to the seventh degree, were as fit a cover for this dish as could be imagined. They that were for four, gave this grave reason for it: "There are four humours in the body of a man, to which, because the four degrees of consanguinity do answer, it is proportionable to nature to forbid the marriage of cousins to the fourth degree." Nay more; "there are four elements;" ergo, to which it may be added, that there are upon a man's hand four fingers and a thumb. The thumb is the "stirps," or common parent: and to the end of the four fingers, that is, the four generations of kindred, we ought not to marry, because "the life of a man is but a span long." There are also four quarters of the world; and indeed so there are of every thing in it, if we please, and therefore abstain at least till the fourth degree be past. Others who are graver and wiser, (particularly Bonaventure,) observe cunningly, that "besides the four humours of the body, there are three faculties of the soul, which being joined together, make seven, and they point out to us that men are to abstain till the seventh generation." These reasons, such as they are, they therefore were content withal, because they had no better: yet upon the strength of these they were bold, even against the sense of almost all mankind, to forbid these degrees to marry.

67. (4.) When the canonists appointed what degrees of kindred they would have restrained from mutual marriage, they took their precedent and measure from the civil law, making this their standard, that so long as by the civil law inheritances did descend, so long by the canon law it should not be permitted to kindred to marry: and upon this account they forbade marriage to the seventh degree, because so far the laws appointed inheritances to descend. Now that this is a weak and a false ground, appears, because inheritances descend even to the tenth degree: and yet suppose it otherwise, yet the popes and other compilers of the canons

[b] Acts xv. [c] C. 1. Extr. de Restit. Sponsal.

[d] Concil. Tolet. 2. c. 5. Concil. Worm.

overshoot their mark extremely: because, while they, forbidding marriages to the seventh degree, pretended to follow some proportions and usages of civil law, do yet reckon the degrees otherwise than the civil law does, and consequently do forbid marriage to the fifteenth civil degree exclusively. For whereas by the canon law so far as either of the persons is distant from the common parent, so far is he distant from the other in the equal line; so that, by this computation, cousins-german are distant in the second degree, and no more: by the civil law there are accounted so many degrees as there are persons besides the common parent, so that, in this computation, cousins-german are distant in the fourth degree; and consequently, the seventh canonical degree is the fourteenth civil degree, the unequalness and unreasonableness of which all lawyers will deride. The same is, in proportion, to be said of their later reduction of the canonical prohibition to the fourth degree inclusively.

68. (5.) These laws, gathered by the Roman canonists, are not now, nor ever were they, obligatory but by the consent of the people, and the allowance of princes. For bishops, in their mere spiritual impresses, have no proper legislative power, where princes are christian: and, if the prince please, he may enlarge or restrain their power, so that he make no intrenchment on the Divine law, and do what is useful and profitable. "Fac legi tuæ sepem," said the Jews; "it makes the law firm if you put a hedge about it;" and where viler people, who had no fear of God, were apt to marry sisters or aunts, it was not ill to prohibit something that was lawful, lest they should run into what is unlawful. But this is matter of prudence only, and ought to be separated from the question of lawful or unlawful. But then when the prince does not bind, the subjects are free. "Honesta et justa esse quæ regi placent, et regno utilia:" "Those things which please the king and are profitable to the kingdom, are honest and just." It was truly said, but ill applied, by Antiochus Seleucus.

69. (6.) These laws are neither allowed by the prince, nor by the ecclesiastical state in England; and because they were useless and burthensome, they were laid aside; for they were but drains for money, and levies of rents; for even under the pope, the way was, and is now, open enough to cousins-german, if they have gold enough to purchase the lead. And so it was, when the civil law was tuned to the air of the canon law, and both to the manners of the Goths. Cousins might marry with a dispensation from the prince; a form of which is to be seen in Cassiodore.* But this is one of the many blessings of the protestant religion, that we are not tied to pay money for leave to do a lawful action; so that, as the Jews were wont to say, "He that hath married a wife that is too near of kindred, let him turn proselyte, and then she is not of kin to him," I may in some sense use in the contest between our laws, and those of the Roman churches; "he that hath, or desires to marry, a wife of his kindred which is not too near by God's law, but is by the pope's law,—let him become a protestant, and then though nothing can be allowed to him which God hath forbidden, yet that leave which God hath given him, man shall not take away."

* Lib. vii. variatum.

70. (7.) If it were at all considerable what is done by the canon law, there is a new device brought in of spiritual kindred; and marriages forbidden to be between such as answer at the font for the same child; that is, if we value the Roman canons, all mankind are in perpetual snare, and that to no purpose.

71. (8.) But as for the present inquiry, it is considerable that the canon law itself does not pretend it to be against the Divine law, but does it wholly upon other accounts, as I have already instanced; and this appears in the epistle of Rabanus to Cardinal Humbert: "Quod pontifices usque ad sextum vel septimum gradum conjugium prohibent, magis ex consuetudine humanâ quam ex lege Divinâ eos præcepisse credendum." The canons did not intend to signify it to be against the law of God for cousins to marry in the degrees forbidden by the canon law.

72. (9.) And after all, the laws of England do expressly allow it; as is to be seen in the tables of marriage set up in churches usually, and in the statute of 32d of Henry VIII. chap. 38. And it is observable, that in England they were allowed to do it ever since they were christians, unless they were papists. For till Pope Gregory's time, and Austin the monk, (though christianity had been here almost five hundred years before,) it was used by the Britons: and Pope Gregory did not think it fit, that Austin should put a restraint upon them (as is to be seen in the British Councils collected by that learned and good man, Sir Henry Spelman); but it was no little interest and power which the popes afterwards procured in the families of princes and other great personages, by giving leave to them to marry their near relatives; and their posterity, for their own sakes, would, in all likelihood, preserve that power, to which (as things then went) they did owe their legitimation.

73. Although I have passed through all laws that can oblige us, in this present inquiry,—yet because the chief disquisition is concerning the natural law, and whether or no any prohibition can from thence descend upon the marriage of cousins-german, is the main question; it will be proper here to add one topic more, that is, the prudence or reasonableness of the thing.

74. Concerning which it is observable, that whosoever shall go about to assign the proper reasons why certain degrees are forbidden to marry by the law of God, will, by experience, find it to be too hard for his head: and Rabbi Menahen Racanatensis observed, "Quod ad rationem attinet interdictorum incesti, magistri traditionum de eâ nihil certi acceperunt:" "The masters of traditions have received no certain account of those reasons, for which God forbade incestuous mixtures." Indeed, if we could find out the prime and proper reason, then, by proportions to it, we could better understand how far the prohibitions were to be extended. But this is to be despaired of. But yet men have ventured to give such reasons as they could,—which

how far they are applicable to the present question, shall be considered.

75. (1.) That kindred ought not to marry, is therefore decreed, "ne æmulatio fiat in eâdem domo," says one. The same degree of kindred will be apt to love the same man, and so emulation will arise. Well, suppose that: but if it does, the marrying one of them will determine all the rest, and quiet the strife. But because this proves too much, it proves nothing at all. For upon the same account, a young man should not marry in a family where there are many daughters, "ne æmulatio fiat in eâdem domo," "to avoid emulation and competition."

76. (2.) Cousins would do better not to marry, says another,[f] "ne habeat duas necessitudines una persona," "that one person may not be a double relative:" for so names will be confounded, and the same person shall be father and cousin to his own child. But what if he be? and what if a king be both a lord over, and a son under, his own mother? What if a man be a father and a judge, a brother-in-law and a natural brother, as when two brothers marry two sisters? The more relations and necessitudes there are, it is so much the better, and a twofold cord is not easily broken.

77. (3.) It were well that cousins might not marry, that by their kindred they might be defended from the injury of their husbands, in case they should need it.—Well, suppose this too: yet, 1. This does not at all concern the man; for he will not need a defence by his kindred against his wife. 2. For the woman, unless she marries all her kindred, the other may be a defence against the violence of one whom she does marry; and will be more likely to prevail in the defence against a kinsman, than against a stranger. 3. But if a woman be brought to that pass, her cousin shall do her little advantage against her husband; for such defences do but exasperate and make eternal animosities: but the laws are the best defences. 4. If the cousin will be a sure defence against the husband's injury; then if the cousin be married to her, he will be sure to do her no injury. For he that will do evil himself, is but an ill security to be engaged against another; and he that will prevaricate in the duty of a husband, will hardly secure the peace of the woman by the duty of a kinsman.

78. (4.) St. Austin's scruple is this: "Inest nescio quomodo humanæ verecundiæ quiddam naturale ac laudabile, ut cui debet causa propinquitatis verecundum honorem ab eâ contineat quamvis generatricem tamen libidinem:" "There is, in the modesty of mankind, something that is natural and laudable; by which they abstain from congression with them, to whom they owe the honour of reverence and modest bashfulness." This, indeed, is a good account, where the modesty of nature does really make restraints and owes duty and reverence: and, therefore, is one of the most proper and natural reasons against the marriage of parents and children, and is, by the allowance of some proportions, extended to brother and sister: but if it be sent out one step further, you can never stop it more, but it shall go as far as any man please to fancy: therefore let it stop, where God and nature hath fixed its first bounds; and let not the pretence of a natural reason or instinct carry us whither nature never did intend; for it is certain she gave larger commissions, however the fears, or the scruples, or the interest of some men have made them to speak otherwise: and I remember, concerning Cicero, who sometimes speaks against the marriage of cousins, that it is but too reasonable to suppose he did it to remove suspicion from himself; it having been objected against him, by Q. Fusius Calenus, in Dio,[g] that he was too kind and amorous to his own daughter: "Filia matris pellex tibi jucundior atque obsequentior quam parenti par est;" so unequal, so uncertain a way it is to trust the sayings of a man, when so frequently the man's opinion is not caused by his reason, but by a secret interest.

79. (5.) Pope Gregory, in his epistle to the archbishop of Canterbury, tries another way: "Experimento didicimus ex tali conjugio sobolem non posse succrescere:" "If cousins-german marry, they will have no children." But the good man did not remember, that the whole nation of the Jews came from the marriage of the two cousins-german of Jacob, Rachel and Leah: and although, by this discourse, it seems it was a usual practice to do it; for from the practice only he could pretend to an observation of this event; yet as to the event of the thing itself, it is a very great experience which the world hath, by which his observation is confuted.

80. (6.) But the best reason given against the convenience of it, for none pretends higher, is, that it were better if cousins-german should not intermarry "propter multiplicandas affinitates," as St. Austin expresses it, "ut conjugiis augeant necessitudines," "that so they might scatter friendships and relations in more families for the dissemination and extension of charity."—For cousins being already united and loving, it were well by marriage to endear others which are not so loving, not so united. Of this every one makes use that is pleased to dissuade these marriages. But to this I answer, 1. That suppose this were well, and without objection as to the material part, yet this does no ways prove it unlawful, and indeed is not, by the contrivers of it, intended it should; as appears in Philo and Plutarch, from whom St. Chrysostom and St. Austin did borrow it. 2. There may be one inconvenience in it, and yet many conveniences and advantages, which may outweigh that one; and that there are so, will appear in the sequel. 3. This very reason, when Philo, the Jew, had urged in general, for the scattering friendships, and not limiting alliances to one family, he adds, "Quod respiciens Moyses alias etiam multas propinquorum nuptias vetuit:" meaning, that this argument is sufficiently provided for by the restraints that Moses made,—and if we marry out of those limits, the friendship is enough scattered. For beyond brother and sister, uncles and nieces, the relation is far enough off to be receptive of, and to need the renovation or the arrests of friendship.

[f] Cicero de Fin.

[g] Lib. xlvi.

81. (7.) It were well if cousins-german did not marry, lest, by reason of their usual familiarity, converse, and natural kindness, fornications should be secretly procured; it being too ready for natural love to degenerate into lust.—I answer, that therefore let them marry as the remedy. For it were a hard thing that cousins, who do converse and are apt to love, should, by men, be forbidden to marry when by God they are not. For this aptness to love being left upon them, together with their frequent conversation, is a snare; which because God knew, he permitted them to their remedy; and if men do not, they will find that their prohibition of marriage will not be a sufficient security against fornication. For brothers and sisters, where the danger is still greater, God hath put a bar of positive law, and nature hath put the bar of a natural reason and congruity, and the laws of all mankind have put a bar of public honesty and penalties, and all these are sufficient to secure them against the temptation; and this was observed by a wise man[h] long since in this very instance: *αὐτίκα δ' οὐχ ἑρᾷ ἀδελφὸς ἀδελφῆς, ἄλλος δὲ ταύτης· οὐδὲ πατὴρ θυγατρὸς, ἄλλος δὲ ταύτης·* "The father is not in love with the daughter; nor a brother with his sister:" the reason is, *καὶ γὰρ φόβος καὶ νόμος ἱκανὸς ἔρωτα κωλύειν*, "fear and the laws are restraint enough for this love:" but because to cousins this bar is not set, the greater propensity they have to love, the more need there is they should be permitted to marry. And this very thing was observed by Rabanus, in his epistle to Humbert. "Hujusmodi prohibitiones adulterii occasionem præbere;" "such laws of restraint are occasions of adultery;" and therefore he infers from thence, "Bonum esse ut, prætermissis illis prohibitionibus, legis divinæ servetur constitutio."—It were good, if standing in the measures of the Divine law, we should lay a snare for no man's foot by putting fetters upon his liberty, without just cause, but not without great danger.

82. I know of no more reasons pretended against this affair; I think these are all; and, I am sure, they are the most considerable. But then on the other side, although it were hard to require any more reason for the marriage of cousins-german, than we do for any other marriage, that is, that we love the person, that she be virtuous and fitted for our condition, yet I say "ex abundanti," that there are conveniences and advantages which are not contemptible, nor yet are so readily to be found in the marriage of other persons.

83. (1.) There is the advantage of a great and most perfect parity of condition, that is regularly to be expected. There is no upbraiding of kindred, greatness or weakness of fortune occasioned by the difference of elder or younger brothers (for this being in all families, is not a reproach to any); and here is the greatest probability of a similitude of passions, humours, and affections; and they that have experience in economical affairs, know that these things are not contemptible.

84. (2.) It is observable, that, when God intended to bless a family and a nation, there he permitted, and, in some cases, commanded, the marriage of cousins-german, as in the families of Israel. And although it was lawful for one tribe to marry into another, as appears in David, who married Michal, Saul's daughter, of the tribe of Benjamin; and the Benjamitish families were restored by the intermarriages of the other tribes, after that sad war about the Levite's concubine; and Hillel, the Pharisee, was of the tribe of Benjamin by his father, and of Judah by his mother;—yet this was done so seldom, that it was almost thought not lawful; but the most general practice was to marry in their own nearer kindred, in their own tribe.

85. (3.) In the case of the *ἐπίκληροι*, or "heiresses," it was commanded, both in the Hebrew and in the Attic laws, that cousins-german should marry, lest the inheritance should go from the family, of which I have already given an account; but now I only observe the reasonableness and advantage. St. Austin's "largius sparge amicitias" is nothing; for when any considerable advantage is to be done, certainly our own are to be preferred before strangers. And the same also is true in proportion, when any one of the family is, passionately and to pious purposes, in love with his cousin.

86. (4.) In the case of an aunt's daughter to be married to her cousin by her mother's brother, there is this advantage to be gotten to the female side; she preserves her father's name in her own issue, which she had lost in her own person and marriage.

87. (5.) In the accidents of household conversation, and in the satieties of a husband's love, the stock of kindred comes in by way of auxiliary forces, to establish a declining or tempted love: and they understood this well, who made it an objection against the marriage of kindred, lest the love, being upon two accounts, should be too violent,—as Aristotle, in the second book of his Politics, seems to intimate. But I suppose that they who are concerned in such marriages, will not fear the objection; but they have reason to value the advantage.

——dum pietas geminato crescit amore. Ovid. Met. x.

While the marital love is supported with the cognation.

88. (6.) St. Austin's[i] argument is to me highly considerable: "Fuit antiquis patribus religiosæ curæ, ne ipsa propinquitas se paulatim propaginum ordinibus dirimens longius abiret, et propinquitas esse desisteret, eam nondum longe positam rursus matrimonii vinculo colligare, et quodammodo renovare fugientem:"—"The dearness of kindred will quickly wear out, and cousins will too soon grow strangers, therefore the patriarchs had a religious care to recall the propinquity which was dividing and separating too fast; and as it were, to bind it by the ties of marriage, and recall it when it was flying away." And indeed there is no greater stability to a family, no greater band to conjugal affections, than the marriage of cousins.

89. I should now speak no more to this question, but that I have often met with a trifling objection, concerning which I could never find any reasonable

[h] Xenoph. Cyrop. lib. v.

[i] Lib. xv. c. 16. de civit. Dei.

pretence, or ground of probability to warrant it: "Second cousins may not marry, but are expressly forbidden; therefore, much rather first cousins, though they be not named."—To this I answer, that I never knew the marriage of second cousins forbidden, but by them who at the same time forbade the marriage of the first; and indeed I have searched and cannot fix my eye upon any thing, that I can imagine to be the ground of the fancy: therefore, I can say no more to it; but that the law of God does not forbid either, nor the laws of our church or state, nor the laws of nature or nations, or right reason, but these marriages have advantages in all these. And we find that Isaac married his second cousin, and that was more for it than ever could be said against it. Abraham was careful, and Rebeccah was careful that their children, respectively, should marry within their own kindred: for it was so designed, because those families were to be greatly and specially blessed; and they called one another into the participation of it. I conclude this question with as much warranty to the marriage of cousins-german, as can derive from the premises; they may without scruple own it, and say,

Viderit amplexus aliquis, laudabimur ambo.

I know no other pretences of any instance obliging christians derived only from the judicial law. These two do not oblige; and, therefore, the rule is true in its direct affirmation.

RULE IV.

The Ten Commandments of Moses, commonly called the Moral Law, is not a perfect Digest of the Law of Nature.

1. THE Jews in their Cabala say, that the law of God was made before the creation of the world two thousand years, and written in black burnt letters on the backside of a bright shining fire; according to that of David, "Thy word is a lantern unto my feet, and a light unto my path."—Their meaning is, (for under fantastic expressions they sometimes intended to represent a material truth,) that the decalogue, or their system of moral precepts, was nothing but an express of the tables of the law of nature, long before Moses's time given and practised by their fathers. But this was not a perfect system; it was the best that ever was since Adam broke the tables of the natural law, and let sin and weak principles into the world; and it was sufficient in the present constitution of the world; but even this also was but like "a pædagogue to bring us to Christ." In the schools of Moses they practised the first rudiments of perfection; but Christ was the last, and therefore the most perfect, lawgiver; and they that did commence under Moses the servant of God, were to proceed under Jesus Christ the Son of God: and therefore, the apostle[k] calls Christ τέλος τοῦ νόμου: and if we will acknowledge Christ to be our lawgiver, and the gospel to be his law, called in the New Testament, "the law of liberty," "a royal law;" then we must expect that our duty shall be further extended than to a conformity in our lives to the ten words of Moses.

2. I do not here intend to dispute, whether Christ hath given us laws, of which, neither before Moses nor since, there are any footsteps in the Old Testament; for I think there are none such, but in the letter or in the analogy they were taught and recommended before: but this I say; that some excellencies and perfections of morality were by Christ superadded in the very instances of the decalogue; these also were bound upon us with greater severity, are endeared to us by special promises, and we, by proper aids, are enabled to their performance; and the old commandments are explicated by new commentaries, and are made to be laws in new instances to which by Moses they are not obliged; and some of those excellent sayings which are respersed in the Old Testament, and which are the dawnings of the evangelical light, are now part of that body of light which derives from the Sun of righteousness: insomuch that a commandment which was given of old, was given again in new manner, and to new purposes, and in more eminent degrees; and therefore, is also called a new commandment. Thus the conversation evangelical[l] is called "an old commandment" and "a new one." So that in the whole this will amount to the same thing as if they were new commandments. I will not, therefore, trouble this article with those artificial nothings; or endeavour to force any man to say Christ hath given us new commandments; but this I suppose to be very evident, that we are by Jesus Christ obliged to do many things, to which the law of Moses did not oblige the sons of Israel; but whether this was by a new imposition, or a new explication of the old, it matters not, save that some men will be humoured in their own manner of speaking.

3. I give an instance; the christians are obliged to love their brethren, and their neighbours; the Jews were so too: but Christ commanded us to love those whom the Jews did not call brethren or neighbours; even all that have the same nature, even all that are in calamity. For to the question asked by the Pharisees, "and who is our neighbour?"—Christ answered by the parable of him that fell among the thieves; he that is in need, is our neighbour.—The Jews understood this to mean nothing but one of the same nation or religion; the rest they hated. Here then is a new duty; to which the Jews, in the same latitude and in the same expressions, were not bound by the decalogue; and this is as much as a new commandment; for it is new to me, if it imposes a new duty. So if God forbids incest, and by it only means the conjunction of parents and children,—if afterwards he commands us to abstain from brother and sister, uncles and aunts; this is a new law under the old words. The Jews[m] might hate their enemies; but christians have none, that is, they have none whom they are to repute such by a legal account. The seven nations in Palestine were, legally and properly, to be

[k] Rom. vii. 14.

[l] 1 John ii. 7, 8.

[m] Levit. xix. 18.

accounted enemies; but to christians all are to be esteemed as brethren in some account or other; οὐδεὶς ἐχθρὸς τῷ σπουδαίῳ, "To a good man no man is enemy;"[n] so that by alteration of the subject matter, the old law is become new, that is, we have a new law. "Lex vetus amorem docet in proximos, nova in extraneos;"[o] "The old law teaches love to neighbours, the new to strangers:" that is, to such whom the Jews called so; but yet the christians are to treat as neighbours. For that is a duty to us, which was not so to them; and we may perish for omitting that, to which they were not obliged so much as under the pain of a legal impurity.

4. But not only in the object of our duty, but in the expression and signification of action, Christ is a new lawgiver. They and we are bound to love our brethren; but the precept of love did not bind them to what we are bound: we must die[p] for our brethren; and of this we have an express commandment, which, it is certain, they had not; and no sign of it in their moral law. And it is not the same words, but the same intention of duty that makes the same law. The Jews were bound to love their wives; but an easiness of divorce did consist with that duty exacted by that law, but it will not do so in ours. Now as, in moral actions, a degree alters the kind,—so it is in laws; for every new degree of duty that is required, supposes a new authority or a new sanction to infer it; for the same law does not in one age directly permit an action, and in another forbid it; it does not reward in that person, which in another it will condemn.

5. But I add other instances. If repentance be a precept, and not only a privilege; it is certain that in the gospel there is a precept which was not permitted, much less enjoined; for this obedience supposes Christ to be our Redeemer in nature, before he is our lawgiver; and therefore, that it could be no part of their moral law. But repentance is not, properly and primarily, a law of nature; for though it was the first action of religion that we find was done in the world,—yet it is such a one, as supposes nature lapsed; and therefore at the most can be but adopted into the law of nature: but yet because it is as much a part of the law of nature, as restitution is a part of natural justice, this instance is not, altogether, an improper illustration of this rule.

6. But there are also many things, for which provisions are made in the law of nature; for which there is no caution in the decalogue. I instance in the matter of incest; and if any man will reduce it to the fifth commandment, it is certain he must then suppose only the mixture of parents and children to be, and that of brother and sister not to be, incestuous; for these cannot come under the title of father and mother; and if it be referred to the seventh commandment, it will be as improper as to suppose jeering to be forbidden in the sixth. I could add, that there being but two affirmative precepts in the decalogue, there is no caution against sins of omission in any other instances.

7. I will not instance in those precepts which relate to our blessed Lord himself, and are superinduced by christianity upon the law of nature; such as are "faith in Jesus Christ,—hope of eternal life,—fraternal correption,—avoiding scandal,—custody of the tongue in many instances,—the sacraments,—to stand fast in christian liberty,—searching the Scriptures,—humility,—mortification,—bearing the infirmities of the weak,"—and many more; all which proclaim Christ to be our lawgiver; but do not properly denote the imperfection of the decalogue, as it is the system of the laws of nature.

8. But I add from the very stock of nature many others. For though by the decalogue we are forbidden to do evil, yet we are not commanded to do good: and that is a material consideration; and cannot by way of reduction be brought hither: because they are wholly different things, and are the effects of several reasons, and to be encouraged by distinct promises or immunities respectively, and are not consequent to each other. For the sons of Israel and all the world are bound to do evil to no man, but are not bound to do good to every man: the first is possible, the second is not: and the Jews never understood, that they were bound to give alms by the sixth commandment: and, in nature, the obligation to do good is upon a positive account; as the obligation itself is. Of the same nature is gratitude,—readiness to help a man in need,—to keep a secret intrusted to us,—to perform promises: all which are of greater concernment to mankind than to be intrusted only to analogies, uncertain inferences, and secret corollaries; and yet for these there is no provision made in the ten commandments.

9. Neither can this measure of the decalogue be reproved by saying, that "all these laws of nature, and all the laws of Christ, may be reduced to the decalogue." I know it is said so very commonly, and the casuists do commonly use that method, that the explication of the decalogue be the sum of all their moral theology; but how insufficiently, the foregoing instances do sufficiently demonstrate; and therefore how inartificially, will also appear in the violence and convulsions, that must needs be used to draw all these dissonances into one centre. I remember that Tertullian[q] (I suppose to try his wit) finds all the decalogue in the commandment, which God gave to Adam to abstain from the forbidden fruit: "In hac enim lege, Adæ datâ, omnia præcepta condita recognoscimus, quæ postea pullulaverunt data per Moysen."—And just so may all the laws of nature and of Christ be found in the decalogue, as the decalogue can be found in the precept given to Adam: but then also they might be found in the first commandment of the decalogue; and then what need had there been of ten? It is, therefore, more than probable, that this was intended as a digest of all those moral laws, in which God would expect and exact their obedience; leaving the perfection and consummation of all unto the time of the gospel: God intending by several portions of the eternal or natural law to bring the world to that perfection from whence mankind by sin did fall; and by Christ to enlarge this natural law to a similitude

[n] Hierocles. [o] Tertull.

[p] 1 John iii. 16. John xv. 12, 13. [q] Lib. adv. Jud.

and conformity to God himself, as far as our infirmities can bear. It was very well said of Tertullian,[r] "Intelligimus Dei legem etiam ante Moysen; nec in Oreb tantum, aut in Sinâ et in Eremo primum, sed antiquiorem, primum in Paradiso, post patriarchis, atque ita ex Judæis certis temporibus reformatam: ut non jam ad Moysis legem ita attendamus, quasi ad principalem legem, sed ad subsequentem quam certo tempore Deus et gentibus exhibuit, et repromissa per prophetas in melius reformavit:" "The law of God was before Moses, neither given in Horeb nor in Sinai, in the wilderness, nor in the land, but first given in paradise; afterwards to the patriarchs, and then being reformed it was given to the Jews: so that we are not to look after Moses's law as the principal, but to the law that comes after the law of Moses, which being promised by the prophets, God, in the fulness of time, gave unto the gentiles in the times of reformation."

10. The effects of this rule in order to conscience are these:

1. That we acknowledge Christ to be our Lord and Master, our Lawgiver and our Teacher.

2. That we understand the ten commandments according to his commentary.

3. That the customs, explications, glosses, and usages of the Jews may not be the limit of our practice.

4. That we expect not justification by our conformity to the decalogue.

5. That we endeavour to go on to perfection; not according to the pattern which Moses, but which Christ showed in the mount.

6. That we do not reckon any system of the natural law, but the books of the New Testament.

7. That we do not esteem it sufficient for us to live according to nature, (as the expression is commonly used,) but that we live according to grace, that is, the measures of reformed nature. For in this sense these words of Justin Martyr are true and useful, τὸ κατὰ φύσιν βιοῦν οὐδέπω πεπιστευκότος ἐστὶν, "To live according to nature is the ornament or praise of one, that is yet an unbeliever:" meaning that the disciples of Jesus must do more. For according as the world grows in age, so also it is instructed in wise notices; and it must pass on to glory by all the measures and progressions of grace; and all that law by which we live in all the periods of the world, is nothing else but the several degrees and promotions of the law of nature. For children are governed by one measure, and young men by another, and old men still by a more perfect; and yet the whole is nothing else but right reason drawn into laws, and that which fits our nature bound upon us by the decree of God: some laws fit our natures, as they are common to us and beasts: some fit us as we are next to angels; and some fit us as we are designed to immortality, and the fruition of God; and the laws of nature do grow as our natures do. And as we see it is in matters of speculation, those principles enter into us, or are drawn from their hidden places, in our age, of which we had no sign in our youth; and when we are children, we admire at those things, and call those discourses deep and excellent, which, when we are grown up, we are ashamed of, as being ignorant and pitiful;—so it is in our manners, and so it is in our practical notices; they all grow, till they arrive at their state and period: but because the eternal laws of God,—that is, those laws which are not fitted to times, and persons, and relations, but to the nature of man, that is, to all mankind,—intend to bring us to God and to all that perfection of which we are capable; therefore it is that they also must increase according to the growth of nature: when therefore the nature of man was rude and in its infancy, God drew out of the eternal fountain but a few of these natural laws: but he still superadded more as the world did need them; and at the last by his Son, who, by his incarnation, hath adorned our nature with a robe of glory, hath drawn out all those, by which we are to converse with God and men in the best and greatest intercourses; that he might enable our nature to dispositions proper and immediate to a state of glory. Not but that they all were potentially in the bowels of the great commandments; but that God did not, by any prophets or lawgivers, draw them all forth, till the great day of reformation, at the revelation of the Son of God. But in this the sentence of Irenæus[s] is wise and full; "Consummata vitæ præcepta in utroque testamento cum sint eadem, eundem ostenderunt Deum, qui particularia quidem præcepta apta utrisque præceptis, sed eminentiora et summa, sine quibus salvari non potest, in utroque eadem suasit:" "The precepts of perfect life are the same in both Testaments, and do demonstrate the same God of both; who indeed hath given, severally, several instances of commandments; but the more eminent and the chief, without which salvation is not to be had, are the same in both:" meaning, that there are the same general lines of religion and of justice in the Old and in the New; but the special and particular precepts are severally instanced by Christ and Moses.

[r] Lib. adv. Jud.

[s] Lib. iv. c. 26. in princip.

RULE V.

All the Explications of the moral Law, which are found in the Prophets and other holy Writers of the Old Testament, are to be accounted as Parts of the moral Law, and equally obliging the Conscience.

1. HE that will explicate the Mosaic law according to the perfections of the gospel, does expound the words of a child by the senses and deepest policies of a witty man. I have seen some parts of Virgil changed into impure Fescennines; and I have also seen them changed into the sense and style of the gospel; but Virgil intended neither, though his words were capable of both; and yet the way to understand Virgil is by the commentaries of men of his own time, or nation, or learned in the language and customs of the Romans. So it is in the decalogue of Moses. If christians understand

it by all the severities and enlarged notices of the gospel, they accuse their own commentary as too large, or the practice of the Jews, who never obeyed them at that rate; and therefore all those wild reductions of all good and bad to that measure is of no good use, but it is full of error, and may have some ill effects; of which I have already given caution: but then because they may be explicated and can admit a commentary, as all laws do beyond their letter; there is nothing more reasonable, than that the commentaries or additional explications of their own prophets and holy men, and the usages of their nation, be taken into the sacredness of the text and the limits of the commandment.

2. Thus when God had said, "Thou shalt do no murder;" when Moses, in another place, adds these words, "Thou shalt not hate thy brother in thy heart;"[t] nor be mindful of an injury: this is to be supposed to be intended by God in the commandment; and to be a just commentary to the text, and therefore part of the moral law. When they were commanded to worship the God of Israel, and no other: this was to be understood according to David's commentary; and when he had composed forms of prayer to God, to pray to him was to be supposed to be a duty of the commandment. God commanded that they should "honour father and mother," which appellative when Moses and the holy writers of the Old Testament had given to princes and magistrates, and had, in another place, expressly commanded obedience to them, it is to be supposed that this is an explication of the fifth commandment.

3. This also is to be extended further, and by the sayings of the prophets they could understand what things were permitted by Moses, which yet God loved not: and that the commandment had a further purpose than their usages would endure: and though (as our blessed Lord afterwards expressed) "Moses permitted divorces for the hardness of their heart,"—yet that "from the beginning it was not so," and that greater piety was intended in the commandment, they were sufficiently taught by the gloss, which God himself inserted and published by the prophet Hosea, "I hate putting away."—In this and all other cases, the natural reasonableness of things, natural justice, and essential piety, and the first institution of them, were the best indications of these effects which such sayings of the prophets and other holy men ought to have in the enlargement of the moral law, or restraint of privileges and liberties.

4. The use of this rule in order to the government of conscience is to describe of what usefulness in our religion, and what influence in our lives, is the Old Testament; all the moral precepts which are particulars of the natural law or universal reason, are either explications of the decalogue or precepts evangelical, by which the old prophets did "prepare the way of our Lord, and make his paths straight." It is the same religion, theirs and ours, as to the moral part: intending glory to the same God by the same principles of prime reason, differing only in the clarity and obscurity of the promises or motives of obedience, and in the particular instances of the general laws, and in the degrees of duties spiritual: but in both, God intended to bring mankind to eternal glories by religion or the spiritual worshippings of one God, by justice and sobriety, that is, by such ways as naturally we need for our natural and perfective being even in this world. Now, in these things, the prophets are preachers of righteousness, and we may refresh our souls at those rivulets springing from the wells of life, but we must fill and bathe ourselves "in fontibus Salvatoris," "in the fountains of our blessed Saviour;" for he hath anointed our heads, prepared a table for us, and made our cup to overflow, and "of his fulness we have all received, grace for grace."

5. But this is, at no hand, to be extended to those prohibitions or reprehensions of their prevarications of any of the signal precepts of religion, by which, as themselves were distinguished from other nations, so God would be glorified in them. For sometimes the prophets represented the anger of God in a ceremonial instance: when either they sinned with a high hand in that instance, that is, with despite and contempt of the Divine commandment, or when the ceremony had a mixture of morality, or when it was one of the distinctions of the nation, and a consignation of them to be the people of God. But this will be reduced to practice by the next rule.

RULE VI.

Every thing in the Decalogue is not obligatory to Christians, is not a Portion of the moral or natural Law.

1. When Moses delivered the ten commandments to the people, he did not tell them in order which was second, which was fifth: and upon this account they have been severally divided, as men did please to fancy. I shall not clog these annotations with enumerating the several ways of dividing them; but that which relates to the present inquiry is, whether or no the prohibition of graven images be a portion of the first commandment; so as that nothing is intended, but that it be a part or explication of that: and that it contain in it only the duty of confessing one God, and entertaining no other deity, viz. so that images become not an idol, or the final object of our worship as a God; and therefore that images are only forbidden as "Dii alieni," not as the representations of this one God, and they are capable of any worship but that which is proper to God: or else it is a distinct commandment; and forbids the having, or making, and worshipping any images, with any kind of religious worship. These are the several effects, which are designed by the differing divisions of the first table; I will not now examine, whether they certainly follow from their premises and presuppositions; but consider what is right, and what follows from thence in order to the

[t] Lev. xix. 17, 18.

integrating "the rule of conscience." That those two first commandments are but one, was the doctrine of Philo the Jew (at least it is said so); who, making the preface to be a distinct commandment, reckons this to be the second; "Deos sculptiles non facies tibi, nec facies omne abominamentum solis et lunæ, nec omnium quæ sunt supra terram, nec eorum quæ repunt in aquis, ego sum Deus Dominus tuus zelotes," &c.—And the same was followed by Athanasius,[u] "This book hath these ten commandments in tables; the first is ἐγώ εἰμι Κύριος ὁ Θεός σου· δευτέρον, οὐ ποιήσεις σεαυτῷ εἴδωλον οὐδὲ παντὸς ὁμοίωμα. 'I am the Lord thy God:' the second, 'thou shalt not make an idol to thyself, nor the likeness of any thing:'" and this division was usual in St. Cyril's[x] time, who brings in Julian thus accounting them; "I am the Lord thy God, which brought thee out of the land of Egypt: the second after this: 'Non erunt tibi Dii alieni præter me, non facies tibi simulachrum,'" &c. And the same way is followed by St. Jerome[y] and Hesychius:[z] these make the introduction to be one of the commandments: and those which we call the first and the second, to be the second only.

2. Of the same opinion, as to the uniting of these two, is Clemens Alexandrinus;[a] and St. Austin,[b] "Et revera quod dictum est, 'non erunt tibi Dii alieni;' hoc ipsum perfectius explicatur, cum prohibentur colenda figmenta: "the prohibition of images is a more perfect explication of those words, 'Thou shalt have no other gods but me.'"—To the same sense Venerable Bede,[c] St. Bernard,[d] the ordinary gloss, Lyra, Hugo Cardinalis, Lombard, the church of Rome, and almost all the Lutheran churches, do divide the decalogue.

3. On the other side, these are made to be two distinct commandments by the Chaldee paraphrast,[e] and by Josephus;[f] "Primum præceptum, Deum esse unum, et hunc solum colendum. Secundum, nullius animalis simulachrum adorandum."—And these are followed by Origen,[g] Gregory Nazianzen,[h] St. Ambrose, and St. Jerome,[i] even against his opinion expressed in another place,—St. Chrysostom, St. Austin, or whosoever is the author of the questions of the Old and New Testament, Sulpitius Severus, Zonaras; and admitted as probable by Venerable Bede; but followed earnestly by all the churches that follow Calvin; and by the other protestants, not Lutherans.

4. In this great contrariety of opinion, that which I choose to follow, is the way of the church of England; which as it hath the greater and more certain authority from antiquity, so it hath much the greater reasonableness. For when God had commanded the worship of himself alone, excluding all false gods,—in the next words he was pleased also to forbid them to worship him in that manner, by which all the gods of the nations were worshipped, which was, by images: insomuch that their images were called gods, not that they thought them so; but that the worshipping of false gods, and worshipping by images, were by the idolaters ever joined. Now this being a different thing from the other, one regarding the object, the other the manner of worship,—it is highly reasonable to believe that they make two commandments. 2. God would not be worshipped by an image, because none could be made of him; and therefore it is remarkable that God did duplicate his caution against images of him, by adding this reason to his precept, "Remember that ye saw no shape, but only heard a voice:" which as it was a direct design of God, that they might not make an image of him, and so worship him as the idolaters did their false gods, so it did, indirectly at least, intimate to them, that "God would be worshipped in spirit and truth;" that is, not with a lying image: as every image of him must needs be: for it can have no truth, when a finite body represents an infinite spirit. And this is most likely to be thus: because this being a certain digest of the law of nature, in it the natural religion and worship of God was to be commanded, and therefore that it should be spiritual and true, that is, not with false imaginations and corporal representment, was to be the matter of a commandment. 3. Since the first table did so descend to particulars as by a distinct precept to appoint the day of his worship; it is not unlikely that the essential and natural manner of doing it should also be distinctly provided for, since the circumstantial was: but that could not be at all, if it was a portion of the first commandment; for then the sense of it must be according to the first intention, that images should not become our gods. 4. The heathens did not suppose their images to be their gods, but representments of their gods; and therefore it is not so likely that God should, by way of caution, so explicate the first commandment; when there was no danger of doing any such thing; unless they should be stark mad, or fools, and without understanding. 5. When God forbade them to make and worship the likeness of any thing in heaven and earth,—he sufficiently declared, that his meaning was to forbid that manner of worshipping, not that object; for by saying it was "the likeness of something," it declared that this likeness could not be the object of their worshipping; for because it is the image of a thing, therefore it is not the thing they worshipped; and it cannot be supposed of a man, that he can make the image of the sun to be his God, when he makes that image of the sun, because he thinks the sun is the most excellent thing. When, therefore, in the first commandment, he had forbidden them to acknowledge the sun, or any thing else but himself, to be God,—in the next, he forbids the worshipping himself or any thing else by an image. But of this I shall speak more afterwards; because it relates to the moral duty.

5. But I observe, that all those moderns who confound these two commandments, have not that pretence which the ancients had; and have quitted all that by which such confusion could have been, in any sense, tolerable. For Philo, and those an-

[u] Synop. Script. tom. ii. [x] Lib. v. contr. Jul.
[y] In c. x. Hos. [z] In xxvi. Levit.
[a] Lib. vi. Strom. [b] Qu. 71. in Ex.
[c] In xx. Exod. [d] Sup. salv. Reg. [e] In c. xx. Exod.
[f] Lib. iii. Antiq. c. 4. [g] Lib. iii. hom. 8. in Exod.
[h] In Carm. [i] In vi. Ephes.

cients who followed him, reckon the first commandment to be, "I am the Lord thy God," &c.; by which God would be acknowledged to be the Lord: and the second did forbid "any other besides him." So that there might be some appearance of reason to make the first commandment affirmative, and the second negative; the first to declare who is God; the second to forbid polytheism: the first to declare his entity; the second, to publish his unity: the first to engage their duty to him who had so lately endeared them by freedom from captivity; the second to forbid the adopting the gods of the nations with whom they were now to converse. I confess that these reasons are not sufficient; for they multiply where there is no need, and make a division without difference; and leave all those periods, which are about images, to be of no use, no signification; and concerning their own practice and religion in the matter of images, though it is certain they wholly derived it from the commandment, yet they take no notice of any warrant at all derived from thence; but supposing that they did make the division for these reasons, and that these reasons were good, yet all the moderns quit all this pretension, and allow but three commandments to the first table, and divide the second into seven; to effect which they make two commandments against concupiscence: concerning which I will not say they might have reckoned more according to the multiplication of the objects; four as well as two: but this I say, as it is wholly without necessity, and very destitute of any probability, so it is done against the very order of words. For although Moses, in Deuteronomy, reckons the concupiscence of the wife first, yet in Exodus, which is the copy of the decalogue as it was given, Moses reckons the concupiscence of the house first: so that the ninth commandment lies in the body of the tenth; and the tenth lies part of it before the ninth, and part of it after: which is a prejudice against it greater than can be outweighed by any or all the pretences, which are or can be made for it: especially since, by the opinions of the Roman doctors, these two cannot, as they lie here, make two objects: for to covet another man's wife, is the same as to covet another man's servant, that is, as a possession; for multitude of wives was great riches, and the peculiar of princes, as appears in Nathan's upbraiding David, and the case of Solomon: but to covet the wife "propter libidinem," is forbidden by the seventh commandment, as the Roman doctors teach, and under that they handle it. Therefore the wife, and the servant, and the beast of another man, being here forbidden to be desired as matter of covetousness, make but one object, and consequently but one commandment: and if because a difference can be fancied, the wife and the house make two objects, then the servant makes a third; for a house differs from a wife no more than a servant from a house; the use of these is as different as of those, and can make as distinct objects of appetite and desire; and therefore, either they all must make but one commandment, or they must make more than two.

6. But the church of Rome and the Lutherans have several interests, for other reasons they have none in so doing. The church of Rome confounds the two commandments, lest the worshipping of images should appear to be forbidden. For if it be a distinct commandment which forbids the worship of images,—then, because all false objects of worship are sufficiently forbidden in the first, it will not be a competent answer to say, "we do not worship images as gods, we do not make idols of them;"—for to worship any thing as God is not forbidden in the second commandment, but in the first: but, therefore, lest the second commandment should signify nothing, it follows, that the taking of images into religion, or the worshipping God, whether true or false, by an image, is there forbidden. But if these two commandments were one, then they suppose that this of forbidding images, being a pursuance of the prohibition of having any other gods, expounds itself only to mean, the making images to be God; which because they do not, they hope to stand upright in the scrutiny concerning this commandment.

7. But to this I return this account: that although it be certain that if these commandments be divided, it will follow that this manner of religion by image-worship is particularly forbidden as a false manner of worshipping, and consequently is, upon no pretence, to be introduced into religion; yet if we should suppose them to be but one commandment, it will not follow that images are not forbidden to be used in religious worshippings. For if God forbade them to make "deos sculptiles," "engraven gods," that is, to worship such gods as may be depicted or engraven, such as the sun and moon, Apis and Jupiter; the ox of Egypt, or the fire of Persia; then, by the same reason, we conclude that "deus sculptilis" is no god, and therefore, to make the God of Israel to be a god depicted or engraven, does dishonour and depress him to the manner of an idol. For, therefore, in the decalogue recited by Philo, and in the sense of all the ancients, the reason against making an engraven god is, "Ego sum Deus tuus zelotes," "I am thy God, I am thy jealous God;" that is, "I who cannot be represented by such vanities, I am thy God,—but they are not, who can."—Add to this; that since the doctors of the Roman church make the decalogue to be the fountain of all moral theology, and, by that method, describe all cases of conscience; it is necessary that they take into the body and obligation of every commandment not only what is expressed in the letter and first signification, but the species, the relations, the similitudes, the occasions, any thing that is like the prohibition, and concerning which we cannot tell whether it be or no; and upon this account, if they can retain images, or think to honour God by the use and worshipping of them, they may be confident of any thing, and may as well use some pollutions of the flesh, as such pollutions of idols.

8. But there is also more in it than thus. For although it is usually supposed by learned persons, that Philo the Jew, Athanasius, St. Jerome, and St. Austin, are of opinion that the two commandments are not to be divided, but are all one; yet if we look

into their sayings, we shall find them to have other effects than they suppose. For they, making the preface to be the first commandment, "I am the Lord thy God, which brought thee out of the land of Egypt," do suppose, that the object of religion and Divine worship is sufficiently declared, in that they think the same of that as all other men do of the following words: "Thou shalt have no other gods but me;" viz. that God, proposing himself as their God, whom only they were to worship, did by that sufficiently exclude the worship of all false gods, or giving Divine worship to any thing besides himself: so that, when the object is sufficiently provided for, as it is in the first commandment, however it be computed, the former arguments will return upon them, and it will be most probable, that the next provision be made for the manner of the Divine worship; and then the use of images in religion, and the religious worship of them, will be, by a necessary and immediate consequent, forbidden: for the forbidding "deos sculptiles,"—forbids not only other gods; but forbids them with that reason and demonstration. They that can be engraven or painted, are no gods, and therefore images and false gods are equally forbidden; wherever an image is joined to a god, there is a false god, or no true God: for an image and the true God are inconsistent. So that, wherever there are two commandments before that of taking God's name in vain, as it is amongst all the ancients, (Clemens Alexandrinus only excepted,)—there it is most likely, that the first provides for the object of Divine worship affirmatively, and the second for the manner negatively; and the effect of this will be, that they are, in their division of the decalogue, almost wholly destitute of authority or warrant from the ancients, for they all make four commandments in the first table, at least. The Jews usually indeed did reckon five: taking in that of honouring our parents, but they always made that of the sabbath to be the fourth: by all which it must needs be, that they must lie under the same objection, which they would fain avoid: and though they confound those two which we usually now reckon the two first, yet because the Jews and ancient christians who reckoned otherwise, did account one commandment to the same purpose as we reckon the first; that which follows can never be proved to mean any thing but a prohibition of that manner of Divine worship by images: for it implies, that to worship God by an image, is to worship an idol: an image of God, when it is worshipped, is an idol, for neither can the true God have an image, neither will he be worshipped by an image. Now, though this will not at all concern the images of saints, but only the worship of God by an image, yet even this also, when they think this image-worship shall be a worshipping and honouring of God indirectly, and an act pleasing to him, will come under this commandment, as certainly and more apparently than fornication or intemperance shall come under the sixth or seventh; whither their doctors usually reduce them.

9. This thing more I am willing to add concerning the division of the decalogue: that when the ancients did reckon the preface or introduction to be the first commandment; it is not certain that they put the words of "Thou shalt have no other gods but me" to the second. For as for Philo, he does not recite them at all, but reckons the second otherwise than it is in Moses's books; and it is not certain, how he thought in this question, to him that well considers his copy of the decalogue. For he thus begins: "I am the Lord thy God, who brought thee out of the land of Egypt. Thou shalt not make any graven gods to thyself; nor any abomination of sun and moon: nor of any thing that is on the earth, or that creeps in the waters: I am thy Lord, the jealous God," &c. Now in this, which is first and which is second, is plain enough, though Philo does not number them: but whether the words of that, which we call the first commandment, by him are understood in the first or in the second, does not hence appear. But then for St. Athanasius, whom the adversaries reckon theirs, the case is yet clearer against them; for "I am the Lord thy God," he reckons to be the first, omitting all that which follows until the second commandment: but the second he plainly and perfectly reckons as we do, "Thou shalt not make to thyself an idol, or graven image, nor the likeness of any thing." So that it is probable, he begins the first commandment with the preface; but it is certain he reckons the second as we do. St. Jerome and St. Austin are pretended for them; but they also testify against them, and against themselves, by an uncertain and contradictory sentence, as I have showed; indeed the apostate Julian is much more for them, and does confound those which we call the two commandments, but yet reckons one before them, just as Philo: so that, excepting Julian, there will be found in antiquity "vel duo vel nemo," scarce one or two that is on their side. However against them there is a great authority and very great probabilities of reason; of which, in the following periods, I shall add a more full account: in the mean time, as the church of Rome is destitute of any just ground of their manner of dividing the ten commandments, so they will find, it will not serve that interest they have designed.

10. But then for the Lutheran churches, they have, indeed, as little reason for their division, and a much less interest and necessity to serve and provide for. They, therefore, thrust the second into the first, lest it should be unlawful to make or to have pictures or images; for they still keep them in their churches, and are fearful to be aspersed with a crime forbidden in the second commandment; they keep them, I say, but for memory only, not for worship or direct religion. But in this they are more afraid than hurt. For suppose the second commandment to be distinct and wholly against images and their worship; yet every thing in the commandment is not moral, though the commandment itself be. For God was pleased to appoint such temporary instruments of a moral duty as were fitted to the necessities of that people; but such instruments were but like temporary supporters, placed there but till the building could stand alone. But whether this clause of having or making images be referred to the first or to the second commandment,

it is all one: if to the first, it means, that therefore they are not to be made by them, lest they become the object of Divine worship: if to the second, then they were not to be made, lest they become instruments of a false manner of the Divine worship: but in both, the prohibition is but relative, as appears in the parallel places of Levit. xix. 4. but especially Levit. xxvi. 1. "Ye shall make ye no idols, nor graven image, neither rear ye up a standing image, neither shall ye set up any image of stone in your land, (to bow down unto it,) for I am the Lord your God:" by which it is plain, that the prohibition is not terminated on the image, but referring to religion; and is of the same nature as the forbidding them to converse with idolaters, or to make marriages with them; which God himself expressed to be, lest they learn their evil customs; and all the reason of the world tells us, that such clauses, whose whole reason is relative and instrumental, may be supplied by other instruments, and the reason of them or their necessity may cease, and consequently there can be no part of a natural law, whose reason, without a miracle and the change of nature, can never alter. So that this fear of theirs being useless, they may, without prejudice and interest, follow that which is more reasonable. And this was sufficiently indicated by the act and words of God himself, who gave order for the brazen serpent to be made, and the images, or rather hieroglyphics, of cherubim to be set over the propitiatory;[k] which it is not to be supposed he would have done, if it had been against his own eternal law: he suffered them not to worship them, but to make them, to show that this was not against the moral part of the commandment, though that was: and the ark could endure the five golden mice and the five golden emerods, because though they were images, yet they were not idols, that is, were not intended for worship; but because Dagon was, it fell before the ark; that could not be suffered: and in Solomon's temple, beside the pomegranates and other imagery, there were twelve brazen bulls; but they were not intended for worship, and therefore, it was free to the Jews to use them or not: but the calves of Dan and Bethel, because they were "fusiles dei," graven images used in Divine worship, were an abomination; and upon the shekel of the sanctuary was impressed the image of Aaron's rod and a pot of manna, or thurible; it was lawful, while there was no danger of worshipping them.

11. This, then, is the first instance of the rule: the having or making of images, though it be forbidden to the Jews in the second commandment, yet it is not unlawful to christians. But of this I shall say more in the following periods.

12. Now concerning the religion of images, that is, worshipping God by them directly or indirectly, —whether that be lawful to christians; although I have sufficiently declared the negative already, by reproving the great ground of that practice, I mean, the thrusting the two commandments together, and have proved that they ought not to be so confounded; or if they ought, yet that the worship of images is not concluded from thence to be lawful or permitted, yet I hope it will be neither useless nor unpleasant, if I determine this case upon its proper grounds, in these two inquiries: 1. Whether it be lawful to make a picture or image of God? 2. Whether it be lawful to worship God by a picture?

Quest. Whether it be lawful to make a picture or image of God?

13. I answer negatively: and that upon the plain words of God in Deuteronomy, which, upon the account of the fifth rule, are to be accounted as an explication of the moral law, and therefore, obligatory to christians: as relating to the matter of the commandment, giving a natural reason for a natural duty, and pursuing that with argument, which before he had established with authority, and writing that in the tables of the heart, which at first he delivered to Moses in tables of stone.[l] "Take ye therefore good heed unto yourselves; for ye saw no manner of similitude in the day when the Lord spake unto you in mount Horeb out of the midst of the fire: lest ye corrupt yourselves and make you a graven image, the similitude of any figure, the likeness of male or female," &c. Now why did God so earnestly remind them that they saw no image, but because he would not have them make any of him? And this is frequently pressed by God in that manner, which shows it not only to be impious to do it against his commandment, but foolish, and impossible, and against all natural reason. "To whom will ye liken God? or what likeness will ye compare unto him?" said God by the prophet:[m] meaning, that there is none, there can be none: and you may as well measure eternity with a span, and grasp an infinite in the palm of your hand, as draw the circles and depict him that hath no colour or figure, no parts nor body, no accidents nor visibility. And this St. Paul argued out of Aratus;

Καὶ τοῦ μὲν γενὸς ἐσμέν.

"We are his offspring:" that is, we are made after his image and similitude; Christ is the prototype, and we are efformed after his image who is "the first-born of all creatures:" man is made after the likeness of God; not man in his body, but man in his soul, in his will and powers of choice, in his understanding and powers of discerning, in his memory and powers of recording; and he that cannot make the image of a will, or by a graven image represent the understanding of a man, must never hope to make any thing like God: there is no way to do that, but to make a man; and that although it be but an imperfect image of God, yet an image it is, and the best that is upon the earth. But now from hence the apostle argues,[n] "Forasmuch then as we are the offspring of God, we ought not to think that the Godhead is like unto gold, or silver, or stone graven by art and man's device:" If the invisible, inexpressible part of man is the image of God, and we are his sons by creation, expressing in our souls some little things of his infinite perfection,

[k] Vide Manasseh Ben Israel, in Concil. q. 30; et Tertul. lib. ii. contr. Marcion. c. 22. Gab. Vasquez. disp. 104. c. 6.

[l] Deut. iv. 15, 16. [m] Isaiah xl. 18. [n] Acts xvii. 29.

it cannot be supposed, that this image can make an image like God; and, if it cannot be like him, it is not to be made for him; for nothing is more unlike him than a lie. The Athenians were a dull people, and knew not how to answer St. Paul's argument; but we are, now-a-days, taught to escape from this. For it is said, that it is true,—God's essence cannot be depicted or engraven; but such representations, by which he hath been pleased to communicate notices of himself, can as well be described with a pencil as with a pen, and as well set down, so that idiots may read and understand as well as the learned clerks. Now because God was pleased to appear to Daniel like "the ancient of days," and the Holy Ghost in the shape of "a dove," and Christ in the form of "a man," these representations may be depicted and described by images without disparagement to the divinity of God.

14. To these I give these answers: 1. The vision of Daniel seeing "the Ancient of days," tells of no shape, nothing like an old man; but by that phrase did seem to signify the eternal God; he tells of a head and hair like "pure wool," that is, pure and white, one of the synonyma of light or brightness, like that of his garment, "like snow; his wheels were a burning fire, his throne a fiery flame;" that is, in effect, when Daniel was asleep, he had a vision or fantasm in his head: where he had a representment of the eternal God, in a circumfusion and a great union of light and glory, which he, when he was awake, expressed by metaphors imperfectly telling what fantasm that was, in which he perceived the representment and communication of God; that is, he there set down the shadow of a dream of a bright shining cloud: for the metaphor is a shadow, and his vision was a dream, and what he dreamt he saw, was but the investiture of God; like as when God, by his angel, went in a cloud of fire before the sons of Israel; nay, not so much, for that was really so,—this but a prophetic ecstasy in his sleep: the images of which are but very unfit to establish a part of Divine worship, and an article of practice, against natural reason and the letter of a commandment. But, 2. I demand, whether did Daniel see the eternal God then or no? If he did not, then, at the most, it was but an angel of light in the place of God: and then this can never infer the lawfulness of making any image of God, for it was only God's angel, or a globe of glory instead of God, and not God that appeared in his own person. But if it be said he did see God, it apparently contradicts the scripture: "No man hath seen God at any time:" and again, "the eternal God, whom no man hath seen or can see."[o] The issue then is this,—Daniel did not see God the Father, neither could he: therefore God the Father was not represented to him by any visible species: therefore neither can we, by any help or authority from this dream. And it is not sufficient to say, that though Daniel did not see God's essence, yet he saw the representment; for he did not see any representment of God; he did not see God by any thing that expressed his person: for as for essences, no man can see the essence of a bee or a bird; but sees it by some proper representment, but yet by that representment he properly and truly sees the bird: but Daniel did no way see God's person or nature, not so much as by any fantasm or image: an angel of light, or the brightness of an angel, he might dream of in the ecstasy: but in no sense could he be said to see God, except only by his angel or ambassador. So that when it is said, "No man can see God," it cannot be meant, that God's essence cannot be seen; for this had said no great matter; for no essence can be seen; but it must mean that God "dwells in an inaccessible light, whither no man can approach," out of which he will send no emissions of representment or visibility; for, if he had so done at any time, or would do at all,—it were not true, "that no man had seen him, or could see him:" for if he had communicated himself personally in any representment or visibility, then he had been seen, and in that instance, and at that time he were not the invisible God. 3. Suppose Daniel's vision had been of God himself: yet as it was done to him by special favour, so it was for a special purpose; it was for a design of prophecy, and to declare future events in the matters of war and peace; not to establish a practice prejudicial to a commandment: and it is strange that a vision or night's dream, expressed by way of rapture and clouds of metaphor, communicated to one man, signifying uncertainly, told imperfectly after the manner of raptures and prophetic ecstasies, intended to very distant purposes, never so extended by his own nation, or used to any such end, should yet prevail with christians (who are, or ought to be, infinitely removed from such a childish religion and baby tricks) more than an express commandment, and natural and essential reason, and the practice both of all the Jews and the best christians. There is nothing in the world, though never so bad, but by witty and resolved men may have more colours laid upon it, to set it out, than this can from this pretension. 4. The vision itself, if it were expressed in picture as it is set down, would be a most strange production of art, and a horrid representation of nature; and unless something were supposed which is not expressed, it would be a strange new nothing. For "the Ancient of days" does, by no violence, signify an old man; for it being a representment of eternity, is the worst of all expressed by an old man; for that which is old, is ready to vanish away; and nothing is more contrary to eternity. Again, here is no mention of the appearance of a man. There is, indeed, mention of a "head," but neither of man nor beast, bird nor fly, expressed; and hair like "pure wool," but in what it is like, excepting only the purity, is not told, nor can be imagined: after this there is nothing but "a throne of flames and wheels of fire;" and all this together would make a strange image, a metaphor to express eternity,—a head of I know not what, light without substance,—visibility without a figure,—a top without a bottom,—the whiteness of wool instead of the substance of hair,—and a seat upon wheels,—and all in flames

[o] 1 Tim. vi. 15, 16.

and fire: that it should ever enter into the head or heart of an instructed man to think that the great, the immense, the invisible, the infinite God of heaven, that fills heaven, and earth, and hell, should be represented in image or picture by such a thing, by such a nothing, is as strange and prodigious as the combination of all the daughters of fear, and sleep, and ignorance. 5. After this vision of Daniel, it was, in the church of the Jews, esteemed as unlawful as ever to make an image of God; and by this the primitive christians did not believe a warrant or confidence could be taken to do any thing of that nature: and they that, now-a-days, think otherwise, have a new understanding and a new religion, defying a commandment, and walking by a dream: and are such, whom a precept cannot draw, but they follow what they understand not, and what was not intended to conduct their religion, but to signify only the events and great changes of the world. 6. If because mention is made of "the Ancient of days" in Daniel, it were lawful to picture God like an old man, we might as well make a door, and say it is Christ,—or a vine, and call it our master,—or a thief, and call it the day of judgment:—a metaphorical or mystical expression may be the veil of a mysterious truth, but cannot pass into a sign and signification of it; itself may become an hieroglyphic, when it is painted, but not an image, which is a *μορφὴ εἰδικὸς*, and the most proper representation of any thing that can be seen, and is not present. They that paint a child to signify eternity, do it better than they who, by an old man, signify him that can be no older to-morrow than he was yesterday. But by this I only intend to note the imprudence and indecency of the thing: the unlawfulness is upon other accounts, which I have reckoned.

15. Concerning the humanity of our Saviour, that being a creature he might be depicted, I mean it was naturally capable of it; it was the great instrument of many actions, it conversed with mankind above thirty years together, it was the subject of great changes, and the matter of a long story, and the conduit of many excellent instructions; and therefore might without all question be described, as well as Cæsar's, or Meletius, Mark Antony, or the kings of the gentiles. It might be done; and the question being here only of the making or having of it, abstractedly from all other appendages or collateral considerations, I need say no more of it under this title; but that it is neither impious nor unreasonable of itself, to have or to make the picture or image of Christ's humanity, or rather of his human body. For against this there is neither reason nor religion, and if it be made accidentally unlawful, that is not of present consideration.

16. But for the usual image of the Holy Ghost in the form of a dove, the pretence is great and fair; no less than the words of Scripture. For in this instance, that reason ceases, for which God did prohibit the making of his image: for here they did not only hear a voice, but also they saw a shape; for the Holy Ghost descended in the likeness of a dove; *ἐν σωματικῷ εἴδει*, "in a bodily shape." So St. Luke. To this I answer, that the Holy Ghost did not appear in the shape of a dove at all; but the dove, mentioned in the story, relates only to the manner of his descending, and hovering over Christ. And this, 1. appears by the words in St. Matthew, *εἶδε τὸ πνεῦμα τοῦ Θεοῦ καταβαῖνον ὡσεὶ περιστερὰν*, he saw the Spirit of God "descending like a dove," that is, as doves use to descend, hovering and overshadowing of him. 2. The word *ὡσεὶ*, which signifies an imperfect resemblance, or a limited similitude, does not infer the direct shape of a dove: but something of it; the motion or the quantity, the hovering or the lighting, like that of his appearance on the day of Pentecost: cloven tongues, *ὡσεὶ πυρὸς*, "as it were of fire;"[p] that is, something of it; to shine, it may be,—but not to burn; to appear bright, but not to move. 3. This appears yet more plainly in the words of St. Luke, *Καὶ καταβῆναι τὸ πνεῦμα τὸ ἅγιον σωματικῷ εἴδει, ὡσεὶ περιστερὰν ἐπ' αὐτόν.* "The Holy Ghost did descend in a bodily shape, as a dove upon him;" where the "bodily shape," cannot mean the bodily shape of a dove, for then it must have been *ὡσεὶ περιστερᾶς*, "as of a dove," like that of the Acts, *ὡσεὶ πυρὸς*; but it must wholly be referred to *καταβῆναι*: he "descended" as a dove uses to do: but then for *σωματικὸν εἶδος*, "the bodily shape," it was nothing but a body of light; the greatest visibility, called by the apostle,[q] *μεγαλοπρεπὴς δόξα*, "the excellent glory:" which, indeed, was the usual investiture of God's messengers in their appearances and visibilities; and that there appeared a fire in Jordan at that time, Justin Martyr against Tryphon the Jew affirms expressly. 4. That this similitude was relative to the motion, or the manner, of a dove's descent, is so much the more probable, because this acceptation and understanding of it is more agreeable to the design and purpose of the Holy Ghost's descending. For by "flying" the Jews did use, in their symbolical theology, to signify a Divine influx or inspiration, saith Rabbi Jaccai, upon the ninth of Daniel: the descent, therefore, of the Holy Ghost, in the manner of a dove's flight, signifies the gift of the Spirit of God to his holy Son; who received him not by measures, but the fulness of him: and from his fulness we all receive our portions.

17. I cannot deny but that, amongst learned men, there is a great difference of apprehension concerning it; and the generality of men, without examining it, suppose the Holy Ghost to have descended, being invested with the direct shape of a dove: *ἐπελθόντος ἐν εἴδει περιστερᾶς πνεύματος*, so Justin Martyr: for he expresses the words otherwise than all the four evangelists; they all say, *ὡσεὶ περιστερὰν*, meaning, "as a dove descends;" he changes the case, and makes it to be the shape or "form of a dove;" *φάσμα ὄρνιθος*, so Origen calls it; "the phantasm or appearance of a bird;—yet I will for the present suppose it so, because the ancients did generally believe so. But then I answer to the objection, That, 1. although the ancients did suppose it so—yet, in the sixth council, that at Constantinople,[r] it is expressly forbidden to depict Christ

[p] Acts ii. 3.

[q] 2 Peter i. 17.

[r] Can. 83.

like a lamb, or the Holy Spirit like a dove. 2. Suppose the fancy of the ancients to have some reality in it, yet it amounted to no more than this, it was nothing but a light of fire effigiated into such a resemblance; or, like a bright cloud which represents strange figures imperfectly, any thing according to the heart or fancy of them that behold it; and therefore is not so imitable, as if it were a direct and proper appearance: so the gospel of the Nazarenes expresses it, καὶ εὐθὺς περιέλαμψε τὸν τόπον φῶς μέγα, "presently a great light did shine round about the place;"—and their apprehension of a dazzling light in such a resemblance, is but an ill warrant to make a standing figure and proper imagery. 3. Tertullian[t] supposes, it was really and properly a very dove indeed; and if so, the whole business is at an end: for any dove may be pictured, but the Holy Ghost must not be pictured in that shape, though his errand and design was ministered to by a dove. 4. And that, indeed, is the proper and full solution of this objection. Supposing that the shape of a dove did appear, yet this no way represented him, or was to be used as a sign of him: and therefore it is observable, when God[u] had told the Baptist how he should know the Messias, and that the Holy Ghost should consign and signify him,—he makes no mention of a dove, but of descending only; not only plainly intimating that the mention of a dove was for the similitude of motion, not of shape, but also to signify that the Holy Ghost himself was not at all to be represented as a dove. But then, if there was the shape of a dove, as the ancients suppose, it looks downwards, not upwards, and was a symbol not to signify any thing of the divinity or the personality of the Holy Spirit; but to signify something in Christ, or in Christ's body the church, to represent the excellency and sweetness of Christ and of the church,[x] his perfection and our duty, the state of his institution and of our religion, and so they who thus teach of the apparition of a dove, express the symbol. The dove was to represent that great meekness which was in Christ, and which he would insert into his institution, as no small part of a christian's duty; which our blessed Saviour was pleased also to express[y] in the same similitude, "be as harmless as doves." Philo says that, in the Jews' discipline, a dove signifies wisdom, that is, a good, a wise, a gentle, and debonair comportment, not the severity of retirement, and a philosophical life, but of a civil, sweet, and obliging conversation. Some say, that this dove did relate to that dove which signified to Noah, by an olive-branch of peace, that God was again reconciled to the world; and so did it please God to use the like symbol, when he would signify that reconcilement, which was by Christ to be effected, and of which the other was but a weak representment, and type, or figure. The world was now also to be renewed at the appearance of this dove; but, because this no way relates to the person or the nature of the Holy Ghost, it can no way hence be inferred, that the Holy Ghost may be represented by an image. This apparition, if it was at all, was symbolical of something below, not representative of any thing above: and in that sense, and to that purpose, I do not doubt but it may be lawful to make a picture of the dove that was seen, if, I say, it was at all; and of the fiery tongues sitting upon the apostles; for these were not representative of the nature or person of the Holy Ghost, but descriptive of the impression, that from the Holy Ghost was made upon them; and of this nature is the expression of the Baptist: "He shall baptize you with the Holy Ghost and with fire;" that is, from his baptism, or by his immission, you shall receive graces and gifts, whose effect is properly expressed by fire, which also shall be its symbol.

18. And after all this, if it should please God, any person of the blessed and most holy Trinity should appear in any visible shape, that shape might be depicted, of that shape an image might be made; I mean, it might naturally, it might if it were done for lawful ends, and unless a commandment were to the contrary; and, therefore, so long as God keeps himself within the secret recesses of his sanctuary, and the majesty of his invisibility, so long it is plain he intends the very first sense and words of his commandment: but, if he should cancel the great reason of his commandment, and make that, by an act of his own, to become possible, which, in the nature of things, is impossible,—that is, that an image can be made of God; I should believe that God did intend to dispense in that part of the commandment, and declare that he intended it only for a temporary band. For if the reason of the commandment were taken away, either the commandment also ceases to oblige, or must be bound upon us by another reason, or a new sanction, or, at least, a new declaration; or else it would follow, that then his visible appearance would become a snare to mankind. But because he hath not yet appeared visibly, and hath by no figure or idea represented the Godhead; and that it is a truth, which must last as long as christian religion lasts, that "No man can see God,"—therefore it follows, that it is at no hand lawful to make an image of God, or relating to the Divinity. If a dove be made, it must not be intended to represent the Holy Ghost; for besides that no dove did appear,[z] nor shape of a dove,—yet, if it did, it related not to the person of the Holy Ghost, but to the impression made upon the person on whom the light descended. And if the figure of the crucifix be made, or of Jesus in the flesh, it is wholly relative to the creature, not to him as God; for that is impious, and unreasonable, and impossible to be done in any natural proportion.

[t] Lib. de carne Christi.
[u] John i. 33.
[x] Isai. xlii. 1, 2, 3.
[y] Matt. x. 16.
[z] Si quis dicat, quòd Spiritus S. in columbâ apparuit, et Pater, in Veteri Testamento, sub aliquibus corporalibus formis, ideoque possunt et illi per imagines repræsentari; dicendum quòd illæ formæ corporales non fuerunt à Patre vel Spiritu Sancto assumptæ, et ideò repræsentatio eorum per imagines, non est repræsentatio personæ Divinæ; sed repræsentatio illius formæ secundùm se; propterea non debetur ei aliqua reverentia, sicut nec illis formis secundùm se. Nec illæ formæ fuerunt ad repræsentandas Divinas personas, sed ad repræsentandum effectus, quos Divinæ personæ faciebant in rebus.—DURAND. in 3. Sent. Dist. 9. q. 2. n. 15.

And the like also is to be said of those expressions in Scripture of the "hand" of God, his "eye," his "arm;" which words, although they are written, yet they cannot, ought not, to be painted. I do not doubt but it is lawful to paint or engrave an eye, or a hand, but not an eye or hand of God, that is, we may not intend to represent God by such sculpture or picture, because the Scripture does not speak them to that end,—that by them we may conceive any thing of God: for, as Hesselius[a] well notes, these and other like expressions are intended to represent some action of God; such as is that of David,[b] who brings in God, "excitatum tanquam dormientem, tanquam potentem crapulatum à circo:" "awakened out of sleep, and as a giant refreshed,—filled, gorged,—with wine;" by which if any man shall represent God in picture,—his saying, "it may as well be painted as written," will not acquit him from insufferable impiety.

19. Now this which I have discoursed, is evidently according to the doctrine and practice both of the Jews and primitive christians. Concerning the Jews Tacitus says of them, "Mente solâ, unumque numen intelligunt: profanos qui Deûm imagines mortalibus materiis in species hominum effingunt:" "They acknowledge but one Deity, whom they understand in their mind only; esteeming all them to be profane, who efform the images of their gods of corruptible matter into the shapes of men."[c] And the testimony of St. Clemens[d] of Alexandria, is very full to this purpose: "Deum, ex Mosis disciplinâ, nec hominis effigie, nec ullâ aliâ repræsentari;" "God, by the law of Moses, was not to be represented in the shape of a man, or any other figure:" and for the christians, that they also understood themselves to be bound by the same law, to the same religious abstaining from making of images of God, is openly and generally taught by the doctors of the christian church for the four first ages together; as without scruple appears in the express words of Origen,[e] Tertullian,[f] Eusebius,[g] Athanasius,[h] St. Jerome,[i] St. Austin,[k] Theodoret,[l] Damascen,[m] and the synod of Constantinople, as is reported in the sixth action of the second Nicene council; the sense of all which, together with his own, Polydore Virgil[n] thus represents: "Cum Deus ubique præsens sit, nihil à principio post homines natos stultius visum est, quam ejus simulacrum pingere;" "Since the world began, never was any thing more foolish than to picture God, who is present every where:" for this is (according to the sharp reproof of the apostle) "to change the glory of the incorruptible God into the similitude, ἐν ὁμοιώματι εἰκόνος, (so it is in the Greek,[o]) of an image of a corruptible man, and of birds and beasts," &c., than which words nothing can be plainer to condemn the picturing God: a thing which the very heathens did abominate.

Sed nulla effigies, simulacraque nota deorum
Majestate locum et sacro implevere timore.

said Silius Italicus of the temple of Cadix; "they had no images, no pictures of the gods; but the house was filled with majesty and a holy fear." And this they did not of ignorance, nor of custom, but out of reason and wise discourse. When Seneca entreated his friend Lucilius to make himself worthy of God, he tells him how: "Finget autem non auro, non argento: non potest ex hac materiâ imago Dei fingi similis:" "Not with gold and silver; for of these an image like to God can never be made."—And therefore Tacitus says of the Germans, that they "nec cohibere parietibus deos, neque in ullam humani oris speciem assimilare, ex magnitudine cœlestium arbitrantur;" "they think they do not know the nature of the gods, if they should thrust them into walls, or depict them in the resemblance of a man or woman."—"Nullum simulacrum finxisse antiquitatem," said Macrobius.[p] "The old world never made an image," (meaning of God,) "Quia summus Deus nataque ex eo mens, sicut ultra animam, ita supra naturam sunt, quo nihil fas est de fabulis pervenire:" "because the supreme God, and the mind that is born of him, as it is beyond our soul, so it is beyond all nature, and it is not fit that fables and fictions should be addressed to him."

Nulla auri effigies, nulli commissa metallo,
Forma Dei mentes habitare et pectora gaudet:

"God dwells in minds and hearts of good men, not in images and metals."

20. The next question is of greater effect; and though the answer of it must needs be concluded from the former, yet because it hath some considerations of its own, and proper arguments, it is worth a short inquiry.

Ques. Whether it be lawful for christians to worship God by an image?

21. Concerning which the best ground of resolution is the commandment; which, it is certain, the church of the Jews did understand so, that they accounted it idolatry to worship God in any image whatsoever; thus the Israelites were idolaters when they made the golden calf, for so they proclaimed, These are thy gods, O Israel, who brought thee out of the land of Egypt; and to-morrow is a solemnity to Jehovah," said Aaron. The calf they intended as an image of their God, and by it they intended to worship him; which is not improbable, says Bellarmine; which is certainly true, said Ferus;[q] and which is affirmed by the Spirit of God; "they changed their glory into the similitude of a calf that eateth hay;" that is, they represented God, who was their glory, by a golden calf. And concerning Micah,[r] though his mother made an image, yet that it was for the worshipping of the God of Israel, appears in all the story; for upon this account he hoped that the Lord would bless him, he took a Levite for his priest, he asked council of the Lord; yet these also he called his gods, which were but the images of God,—by which it appears that he was

[a] Bibl. Vulg. [b] Psal. lxxviii. 65.
[c] Idem etiam videre est apud Diodor. Sicul.
[d] Stromat. l. [e] D. 7. con. Cels. [f] De Coron. Mil.
[g] Lib. i. c. 6. Præp. Evang. [h] Orat. contra Gentes.
[i] In c. 40. Isai. [k] De Fide et Symbol. c. 7.
[l] In Deut. q. 1. [m] Lib. iv. de Orth. Fide, c. 17.
[n] Lib. ii. c. 23. de Invent. [o] Rom. i. 23.
[p] L. i. in Somn. Scip. c. 2. [q] In c. vii. Acts. [r] Judg. xvii.

an idolater, because he worshipped the true God by an image, which he had forbidden. The same was the case of Gideon, who made a covenant with them, that God should be their King; yet he made an ephod; that is, instituted a forbidden service to him; which thing became a snare to his house; and being a prevarication of this commandment, was, in its nature, an idolatrous worship; and yet it was but a superstitious or false worship of the true God: and this is affirmed by the christian doctors. "Non vult Deus in lapidibus coli," said St. Ambrose;[s] "God will not be worshipped in stones or graven images:"—and St. Austin[t] affirms, that God in his commandment did prohibit, "ne quis colat ullam imaginem Dei nisi unam eandem quæ cum ipso est Christus;" "that we should worship no image of God but him that is the lively image of his person, that is, Jesus Christ:"—and this is so affirmed by all the fathers, so confirmed by the doctrine and practice of the church, so adhered to by all the doctors of the Jews, that Vasquez finds himself constrained to confess, "clare deducitur, non licuisse tum verum Deum in aliquâ imagine venerari;" "it is clearly consequent, that then it was not lawful to worship the true God in any image or representment."

22. But it is said, that though it was not then, yet now it is: for that was only a temporary precept, relative to the Jews, because of their proneness to idolatry. So Catharinus[u] affirms, "totum hoc præceptum esse positivum, non morale;" "This whole commandment is positive, not moral:" for, however something related to the Jews, yet, by this commandment, is only forbidden to worship the images of false gods, or the image of the true God with Divine worship.

23. Against this I have many things to say: 1. That idolatry is a sin against the law of nature, or of prime religion; therefore whatsoever was idolatry in the Jews, is the same sin in the christians. Indeed, in the intercourses between man and man, though the relative duty be bound upon us by the commandment of God, yet the instances can be altered by human authority and consent; as new kinds of incest, several instances of murder, of treason, and the like; but where not only the law, but the instances also, are of God's appointment, what is once is always, unless God change the particular, which he never did in the present question. One case there is, in which the particulars even of the present article can vanish; viz. when a particular is commanded apparently for a transient reason, and hath in it no essential reason, no natural rectitude; but the worshipping of God by an image is against natural reason, as I have proved by the unlawfulness and unreasonableness of making an image of God, and shall further prove in the sequel; therefore, although, by reason of the Jews' proneness to direct and prime idolatry, the commandment put new and accidental necessities, (I mean the not having or making any pictures,) yet the prohibition of worshipping God by an image having a natural and essential rectitude and conformity to the simplicity of a natural, and to the spirituality of the christian religion, it cannot be changed as the fancies or the interests of men shall require; and of this, besides the apparent reasonableness of the thing, we have an express testimony from Origen.[x] "Cæterum christiani homines et Judæi sibi temperant ab his propter illud legis, 'Dominum Deum timebis;' Item propter illud, 'Non erunt tibi Dii alieni præter me, et non facies tibi ipsi simulacrum,' &c. aliaque multa his similia, quæ adeo nos prohibent ab aris et simulacris, ut etiam emori jubeant citius quam contaminemus nostram de Deo fidem talibus impietatibus:" "Both christians and Jews abstain from these worshippings, because the law says, 'Thou shalt have no other gods but me:' and 'Thou shalt not make to thyself any graven image,' and for many other things like these, which so severely restrain us from altars and images, that they command us to die rather than to pollute our faith of God with such impieties." The sum of which is, that christians, as well as Jews, understood themselves bound equally by this commandment; and they were to suffer death rather than image-worship.

24. (2.) To worship false gods, or to give Divine honour to an image which is not God, is all one kind of formal idolatry: they may differ materially, as the worshipping of silver does from bowing the head to gold, but they are formally the same thing; for it is a making that to be our God which is no God; and this is sufficiently forbidden in the first commandment. Now since there are more sins against that commandment than one, let us suppose that the two first (as we reckon them) are but one; yet the next must be that which is forbidden in the explication; that is, to worship the true God with a false image; it is making God to be like an idol by representing him in the same cheap impossible way; by using him like the false gods, by making his image to become an idol, by giving him a forbidden, hated worship, by honouring him with a lie; all which, if they be not great violations of the commandment to which they do belong,—then there is but one kind of sin there forbidden, and this is an act of so great simplicity and incommunicability, that it hath neither brother nor sister, mother nor daughter, kiff nor kin, analogy nor correspondencies, addresses nor degrees: if it have not, why are so many particulars reduced to this commandment by all casuists, friends or foes, in this article? If it have, this superstitious and forbidden worship being here named in the commandment, and standing next to the prime idolatry, must, at least, have a degree of the same obliquity.

25. (3.) He that makes an image of God and worships it,—gives it the worship of God, whom it represents, or a different. If he gives a different, and, consequently, a less worship, he does not worship God in the image; but his worship is such as it is terminated on the image, and then comes not into this inquiry: it is no more than loving a bird for Lesbia's sake, or valuing a pendant for her sake that gave it me; and this may be a civil valuation, and is to be estimated according to its excess or

[s] Ep. 31. ad. Val. [t] 119. ep. ad Januar. [u] Ut vid. est ap. Bellar. de Imag. [x] L. 7. con. Cels.

temper. But if by the image I mean to worship God, then I join them together in the act of adoration, and make them the same integral object; but then I give to both the same worship; and, therefore, unless they can both be united into an identity, I must needs give Divine worship to that which is no God, which is direct idolatry. If an image of God pass the worship, which I give unto God, then it gives first to the image, then to God, therefore it must needs be the same; for that which passes from the image to God, must not be less than what is fit to be given to God; but if it be the same, then it ought not at all to pass upon that: if it be less than Divine, it must not be given to God; if it be not less, it must not pass upon that which is not God. If it be less, it is impiety when it is offered to the prototype; if it be the same, and not less, it is idolatry when it is offered to the image.

26. But I need not make use of both parts of the dilemma; for it is certain, that every relative worship must be the same in the middle and the end; and it is confessed by most of those, who worship God and his Christ, and his saints, by images, that the same honour is given to both. "Eundem honorem deberi imagini et exemplari," says Almain; "ac proinde imagines Sanctæ Trinitatis, Christi, et crucis cultu latriæ adorandas esse;" "The images of the Trinity, of Christ, and of the cross, are to be adored with Divine worship."—The same is the opinion of Alensis, Aquinas, Bonaventure, Albertus, Richardus, Capreolus, Cajetan, Coster, Valentia, the Jesuits of Cologne, Triers, and Mentz, who approved Coster's opinion, and indeed, generally, of all the Roman schools, if we may believe a great man amongst them; "Constans est theologorum sententia, imaginem eodem honore et cultu honorari et coli quo colitur id cujus est imago," said Azorius:[y] and he supposes this to be the mind of the council of Trent, and insinuated by the second Nicene; and certainly he was in the right. For, though the council of Trent used much caution in their expression of this invidious article, and expressed no particular honour, but that due honour and worship be given to them, yet, when at the latter end of the decree, it approves the second Nicene council, and refers to that in the article; it is plain that the council of Trent intended such honour and worship to be due, as the council of Frankfort said was not due, neither is it to be imagined they durst contradict so constant an opinion, or openly recede from their great Aquinas. They have amongst them many fine devices, to make this seem what it is not; but that which is sufficient, is this, that no distinction, no artifice, will file the harshness off from this: for whereas the great thing that they say is this, that this worship being not for the image, but for God's sake passed through the image, does not give Divine honours to the image. But I reply: is it a Divine honour that is given to the image or no? is it the same that is given to God, or is it another? If it be the same, then, though it be not for the image, but for God, yet it is for God that the Divine worship is given to the image, —that is, it is for God's sake that what is due to God alone, is given to that which is not God, that is, for God's sake they commit idolatry. But if it be not the same, then how do they worship God by the image? "Idem est motus ad imaginem et exemplar," says Aristotle; and upon this account they suppose what is done to the image, accrues to God; but then, as they must take care that nothing be given to God that is less than himself, I mean that he be not worshipped with less than a Divine worship; so they may also remember, that by one motion and act of worship, they cannot give less to the image than they do to God; whatsoever is less than another, is not the same with another; if, therefore, the worship given to the image be in any sense less than that which is given to God, then it is not the same; if it be not the same, then by the same motion, by the same act of worship, there are two kinds of worship given, which is a contradiction, that one should be two; and also evacuates their great pretence of the reasonableness or possibility of doing worship to God by an image, because upon this account the same does not pass at once to both.

27. (4.) A good man is more an image of God than any painter or engraver can make; but if we give Divine honours to a good man, it were idolatry; therefore, much more, if we give it to an image. I use this instance to take off the trifle of worship "relativè," and worship "terminativè;" for if we should offer sacrifice to a man, build temples and altars to him over against his doors, burn lamps, make vows, appoint holidays, processions, litanies, institute fraternities, give him the appellatives of honour which we usually ascribe to God,—it would not serve our turns to say, "we do it to God whose image this man is, and we intend the honour to God finally; there it rests, it only passes through the good man, to be united to the glories of God;" it were idolatry without all contradiction. I find that acts of humility have been done to the poor, for Christ's sake, and the actions were referred to Christ, just as all other acts of charity and alms use to be; but if Divine honour be done to them, it is so far from being entertained by God as the correlative of that worship, that it is a dishonour to him: he being curious of his own peculiar, and having given no warrant, no instance that can amount to any thing of that nature, and he will be worshipped, as Plato's expression is, τῷ μᾶλλον ἀρέσκοντι τρόπῳ, "in that way" (not that we choose, but) "that he best likes." He that will pass worship to God by the mediation and interposition of a creature, must do it by using that creature in all the endearments and regards for God's sake, of which it is capable. Thus, "by reverencing the grey head, and rising up to him," we do honour to the great Father of men and angels; by relieving the poor, we do honour to Christ; but neither is Christ honoured by us, if we have made a rich present to a king for Christ's sake, or call a poor beggar, "My lord;" but when, for God's sake, we pass those regards to several estates of men, which are the best usages which prudently they can require,—then the good we do to them, whether it be

[y] Institut. Moral. part. 1. l. 9. c. 6.

honour or relief, relates to God; but for God's sake to give Divine honours to a man, is as if to honour the master, we made his servant equal; or, out of reverence to the body, we should wear the shoe upon our head. And this argument must needs conclude against the worshippers of images; for although Vasquez, and I think he alone, of all the world, owns the worst that this argument can infer, and thinks it lawful to give Divine worship relatively or transitively to a man; yet when that whole church excuses their worshipping of saints, by saying they give only such veneration to them as is proportioned to them, not "latria," but "dulia," that is, not Divine worship in any sense, for so they would be understood to speak and do; it must needs be certain, that this argument is not to be answered, nor yet to be outfaced. However, this is certain, that when the Arians, who believed Christ to be a mere creature, though they could not deny but that (according to the express words of Scripture) he was the express and bright image of his Father's glory, yet because they gave to Christ Divine honours for his relation sake to his Father the eternal God, they were by the fathers of the church expressly called idolaters, as is to be seen in the first, third, and fourth orations of St. Athanasius against the Arians, and in St. Cyril in Joh. l. 9. c. 41. and divers other places; and whatever Vasquez, or any man else, is pleased to think of it,—yet St. John was twice rejected by an angel, when he would have given Divine honour to him, when he would have worshipped him; and yet that angel represented God, and was the servant of Jesus. And upon this account we may worship every creature; every fly, every tulip, even the onions of Egypt; for every plant is more an image of God than a dead piece of metal or marble can be:—

Præsentemque refert quælibet herba Deum.

And it is in images, as it is in the matter of oaths, of which our blessed Saviour said, that "he that swears by heaven, or by the earth, by the temple, or by the gold, it is all a case:" it all alike refers to God, and does him dishonour, if the matter be vain or false; so it is in images:—every creature of God represents him, and is capable of transmitting honour to him, as a wooden image; and yet because the best images of God are not susceptive of Divine honours so much as by relation, much less shall the worse images; and if it be idolatry to give such to a man, though with an intuition upon God,—to do so to a dead image, which hath less likeness to God, cannot be put off by a distinction and a vain imagination. I will not aggravate the evil practices or doctrines which are in the church of Rome concerning this question, but it is obvious to observe, that although this distinction of "relativè" and "terminativè" is invented by superstitious persons to make the question hard, and to give themselves greater opportunity of quieting the scruples of tender persons; yet they do give, and openly profess to give, Divine honours to that which is no god, which I thus demonstrate. The cross on which Christ suffered is but a creature; but to the image of this they give a relative Divine honour; therefore to the exemplar, which is that cross whereof the other are but images, they terminate the Divine honour. So Jacobus Almain, in the words a little before quoted: "The same honour is owing to the image and the exemplar; and therefore the images of the Trinity, and of Christ, and of the Cross, are to be adored with the worship of Latria; that is, divine." To this purpose is that clause in the pontifical,[z] published by the authority of Clement the Eighth; "Crux legati quia debetur ei latria, erit à dextris:" —"The legate's cross must be on the right hand; because 'latria,' or Divine honour, is due to it."— Now this, being the image, can challenge but this Divine honour relatively; but the cross that Helena found at Jerusalem, was the exemplar; therefore to that the Divine worship is due "ultimatè et terminativè:" it rests there; which is as downright idolatry as can be defined. But Aquinas proves it ought to be so by this argument, "that in which we place the hope of our salvation, to that we exhibit the worship of 'latria,' or Divine worship:" but in the cross we place the hope of our salvation, for so the church sings.

O Crux ave, spes unica,
Hoc passionis tempore:
Auge piis justitiam,
Reisque dona veniam.

"All hail, O Cross, who art our only hope in this time of our suffering; increase the righteousness of the righteous, and give pardon to the guilty."—I could add many more[a] things to the same purpose; but because I intend not an accusation of any one, but institution to every one that needs it, I shall only observe, that this distinction is used with them as miracles and gift of tongues were; not for them that believe, but for them that believe not; so is this, for strangers, and them that make objections, —not for the obedient that worship images and break the commandment; for they must or may do more than give a relative worship: but yet, because it concerns us and them, I add this observation.

28. (5.) That if Divine worship, or "latria," be in any sense given to an image, no distinction can save it harmless: for if it be given at all, it is not changed in kind by being altered in circumstance. It is that kind of worship which all the world understands to be proper to God. Now, whether it be for itself or for any other thing, is nothing but an inquiry, for what cause this incommunicable worship is communicated to them; that is, a looking after the cause of a thing which no cause can legitimate; and whether this be proper or improper, yet still it is idolatry in one of the senses; whether it be direct

[z] Edit. Rom. p. 672.

[a] Salve sancta facies nostri Redemptoris,
In quâ nitet species divini splendoris,
Impressa panniculo nivei candoris.
Salve vultus Domini, imago beata.
Nos deduc ad propria, ô fœlix figura,
Ad videndum faciem Christi, quæ est pura.

Ave ferrum triumphale, fœlix hasta.
Nos amore per te fixi saucia.

or indirect, it still gives but an appellative, and specificates the idolatry: for that which, in its whole nature, is unlawful and unnatural, cannot be lawful in a certain respect. "Idololatræ dicuntur, qui simulacris eam servitutem exhibent quæ debetur Deo," said St. Austin:[b] "He who gives that to an image which is due to God, is an idolater." But he who answers that he does that thing but in this or this manner, confesses the thing done and tells you how: but if the manner destroys the thing, then it is not the same worship; and then what need the distinction of the manner, which must suppose the same matter? but if the manner does not destroy the thing, then for all the distinctions it is idolatry.

29. (6.) I consider that in the first commandment, where atheism, and polytheism, and allotheism, are forbidden directly and principally, and whatever is like it, or even with, or under it; the preface or the reason of it is expressed by God: "I am the Lord thy God;" plainly declaring, that whatsoever is introduced against that commandment, is also against that reason: God is not our God, if we acknowledge none, or if we accept of many, or any other; so that, by this precept and upon this account, idolatry in the object is forbidden. But in the next precept, or (if it be the same with this) in the next periods of this commandment, there is another thing forbidden upon another reason: "Thou shalt not worship any graven image, for I the Lord thy God am a jealous God,"—meaning, that as his being our God infers that none else must be made our God, or have Divine honours done to it,—so the superaddition of this attribute and appellative of God, that as he is our God, so also he is a jealous God, in this very matter of intercourse with us, infers that we must not only do what he bids, but also in his own way; and the thing and the manner too are taken care of. And if he had, in the second precept, only forbidden Divine worship to be given to any artifice or to any creature; the proper reason for it had been, "for I am the Lord thy God;" but when to other words he puts another reason, it is certain it must mean something new, and not signified in the first periods. But then, because the worshipping of any image of God with Divine worship for the sake of the exemplar is that which is nearest and likest the manner of the gentiles, and does insensibly steal the heart of man away, and depresses our great thoughts of the eternal immense God into the circumscription of any image, and draws the mind from spiritual to material intercourses, and therefore does, by immediate consequence, lessen the honour of God and the propriety of the Divine worship, that all this should be forbidden is justly inferred from the reason; for of these things no better reason in the world can be given, than that God is a jealous God, and will not have his honour, directly or indirectly, given to any thing to whom himself is not pleased expressly to impart it; and therefore, there is a natural proportion in the reason to the prohibition: for since it is usual in Scripture to call idolatry by the name of fornication or adultery, God is pleased here also to forbid that manner of worship, which he accounts adulterous, and declares he will not endure it, because he is jealous: and let it be imagined, what can be the effect of that reason? something special must be apportioned to it, lest it be to no purpose: but that images be not taken for very God, that they may not finally and for themselves receive Divine honour, is the effect of the first reason, and of the first precept: whatsoever is next to this, must be what is also next expressed, that is, not that images be not worshipped for God; but that, in the worshipping the true God, which is commanded in the first period, we do not bow the head and knee before images, which is forbidden in the second periods. And if men were, in their proportion, as jealous of their duty and of avoiding God's anger and escaping the Divine judgments, and of preserving their eternal interest, as God is of his honour; they would never so much intricate their duty, and branle the commandment, and do that which is so much against the letter of it, and against the doctrine of that church to whom the law was given, and against so much reason; and for the doing of which they are forced to use so much violence of answer, such convulsions of distinction. A jealous man will not endure such comportments in his wife; for the justification of which she is so hardly put to it, that she must have half a dozen answers before she can please herself, or think that she does well; and which, after all, will look but like pitiful excuses. But, above all excuses, it would seem the worst, if she should say, "I do admit another man, but not as my husband, but with a less regard and another sort of complication than I use to him; and that which I do, I do it for his sake, he is so like him that he is his very picture; and he is his very great friend, and what I do is for that very regard." A jealous man would hardly take this for satisfaction. And if it be considered, that there is nothing so clear but something may be said against it, and παντὶ λόγῳ λόγος ἀντίκειται, "every word can be contradicted by a word;" and then how many presumptions, how many reasons, how many express words, how many ages, and how many religions, do join in the condemnation of worshipping God by an image; it may very well be concluded, that our jealous God will not endure half so much disobedience, wilful ignorance, and obstinacy in such persons as, against so much reason and religion, and for so few and trifling pretences, will worship God and his Christ by images, against the words of his own commandment.

30. (7.) If it be inquired, "how an image can be an idol?" the answer must be: "by giving to it Divine worship, or something that is due or proper to God."—Now, whoever knows it to be an image of a thing, if he have any use of reason, if he be not a changeling, believes better of the exemplar than of the image; and knows that the worship sticks not in the image: he cannot worship it for itself, but for something to which it relates, or for something that adheres to it, or is derived upon it; still the honour goes beyond the natural or artificial image. The image hath no worth of its own beyond the art or nature; and can be estimated, but as silver, or

[b] Lib i. de Trin. c. 6.

marble, or carved, and therefore, no religion passes upon it for its own sake. Since, therefore, whatsoever passes on it, is for the sake of that which it represents, an image that is understood to be an image, can never be made an idol; or if it can, it must be by having the worship of God passed through it to God; it must be by being the analogical, the improper, the transitive, the relative (or what shall I call it?) object of Divine worship.—Now that this consideration may have its effect, I shall not need to say that an idol and an image is all one, though that be true in grammar; and Erasmus[c] said that St. Ambrose knew no difference between them, but that every image (made for religion) is an idol; and that he himself saw no difference: but because the church, in some ages, hath supposed a difference, I shall also allow it; but find all the danger of any such allowance taken away by the instance of the brazen serpent, which did pass under both notions; for it was a mere image or representment of a serpent, and the commemoration of God's delivering his people from them: but when it came to be used in a religious worship, then it was an idol; permitted when it was a bare image, but broken when it passed into an idol. An image or an idol do not differ in themselves but by use and custom of speaking,—the church calling it an image so long as it is used lawfully: but it is an idol when it is used unlawfully, that is, in plain speaking, "an image is lawful to be made or kept for some purposes, but not for other." It is lawful for story,—for memory of an absent friend or valued person that is away,—for the moving an affection,—for ornament and the beauty of a place: but it is not lawful to have them, not lawful to make them, with designs of ministering to religion or the service and worship of God: which I choose to express in the words of the author of the famous books under the name of Charles the Great,[d] "Nos imagines in basilicis positas, idola non nuncupamus; sed ne idola nuncupentur, adorare et colere eas recusamus:"—"We do not call images by the name of idols, but, lest they become idols, we refuse to worship them."—But yet this I add, that although, in the use of the two Greek words, εἰκὼν and εἴδωλον, and of the Latin, "idolum" and "imago," men have troubled themselves with finding material differences,—yet although it might be of some use in inquiring the meaning of the ancient doctors of the church in the question of images, yet it will be wholly impertinent as to the commandment. For God, forbidding images, used the word פסל, which signifies properly a graven image; and because there were more sorts besides this, God was pleased to forbid תמונה, which the LXX render by παντὸς ὁμοίωμα, "the likeness of any thing:" and it contains "sculptile, fusile, ductile, conflatile," that is, all sorts of representations, flat or extant, painted or carved; and the force of this word can be eluded by no distinction. But then as to the meaning of these words in the use of the ancient doctors, this is certain: that although, about the time of the second Nicene council, this distinction of "idolum" and "imago" was brought into the christian church, yet it was then new, and forced, made to serve the ends of new opinions, not of truth: for in Tertullian's time there was nothing of it, as appears by his words in his book "de idololatriâ," c. 3. "Ad hoc necessaria est vocabuli interpretatio: εἶδος Græce formam sonat; ab eo per diminutivum εἴδωλον deductum æque apud nos formulam fecit. Igitur omnis forma, vel formula idolum se dici exposcit, estque idololatria, omnis circa omne idolum famulatus et servitus:"—"Every image (meaning, of God) is an idol, and all worship and service about them is idolatry."—This is plain, and short. And that, once for all, I may make it clear, that an idol and an image was all one in the sense of the word, and of the ancient church, it is undeniably so used in Cicero;[e] "Imagines, quæ idola nominant, quorum incursione non solum videamus sed etiam cogitemus," &c.: and for the church St. Chrysostom is an authentic witness; for he calls the pictures, by which they then adorned their houses, by the name of idols, οἰκίας κατασκευῶμεν, εἴδωλα παντα χοῦ καὶ ξόανα ἱστῶντες, "we trim our houses, placing every where idols and pictures."

31. Upon this account we may understand the meaning of the primitive fathers, who would not endure that a picture should be made or kept;—who condemned the art itself, as deceiving and adulterous, who said that God forbade the very trade itself. So Tertullian;[f] "Jam vero ipsum opus personarum, quæro, an Deo placeat, qui omnem similitudinem vetat fieri, quanto magis imaginis suæ?"—"Can the making visors please God, who hath forbidden all similitudes or images and pictures to be made, and how much more any image of himself?"—"Nobis enim est aperte vetitum fallacem exercere;" said St. Clement,[g] speaking of pictures and images, the very art is forbidden to christians. The same is affirmed by Origen;[h] and long after by St. Chrysostom;[i] but Tertullian said that the devil brought painting and carving into the world; and adds, "Toto mundo ejusmodi artibus interdixit servis Dei,"—"that God hath forbidden to all his servants in all the world to use such arts."—But they are to be understood by their own words, spoken when they had the same reason and less heat; for that the very making of images was forbidden by God by way of caution only and provision, not for any turpitude or unreasonableness in the thing, but for the danger which then was pregnant, themselves affirm: "Similitudinem vetans fieri omnium——ostendit et causas idololatriæ, sc. substantiam cohibentes: subjicit enim 'non adorabitis ea,'" &c. So Tertullian.[k]—To the same purpose is that of Origen; speaking of the Jews, "There was no painter or statuary admitted into their cities, their laws driving away all this kind of people," "Ne qua occasio præberetur hominibus crassis, neve animi eorum à Dei cultu avocarentur ad res terrenas per hujusmodi illecebras:" "lest any occasion should be given to rude

[c] In 1 Cor. 8.
[d] Lib. iv. p. 18.
[e] Lib. i. de fin. bonor. et mal.
[f] De spect. c. 23.
[g] Stromat. lib. vi. et in Protrep. p. 41. edit. Paris.
[h] Lib. iv. con. Cels.
[i] De idol. c. 3.
[k] Lib. ii. c. 22. adv. Marcion.

people of drawing their minds from the pure worship of God to earthly things." Now if this sense was also in the commandment, it is certain that this was but temporary, and therefore could change: and that it was changeable appears in this, that God, by a Divine spirit, assisted Bezaleel and Aholiab in the like curious arts: and by other instances which I have already reckoned.[1] Now this sense and severity might perpetually oblige the Jews; because, during the whole abode of their synagogue, there was almost an equal danger by their perpetual conversation with idolatrous nations; and therefore it was very well said of Tertullian[m] in the matter of the brazen serpent, "If thou regardest the law, thou hast God's law, 'make not the likeness of any thing:' but if thou considerest that afterwards Moses did command them to make the likeness of a serpent, do thou also imitate Moses, and against the law make no likeness, unless God also give thee a commandment, as he did Moses:"—meaning that the singular example was no prejudice to the law: "Exceptio firmat regulam in non exceptis." This part of the commandment was by God dispensed with in that instance, and in a few more; but these few confirm the rule in all things and instances, besides themselves, for they say, that without God's leave we may not break this commandment. In Tertullian's time this very necessity did still abide, and therefore they had the same zeal against images and "whatsoever gave substance to idolatry;" that is Tertullian's phrase for painters and statuaries. But then this also is to be added: that all those instances, in the Old Testament, of the brazen serpent, the bulls, the pomegranates, the cherubim, the curious works of Bezaleel, are not to be used as arguments against the morality of the second commandment: because these were single causes, and had their special warrant or approbation respectively from the same fountain whence the prohibition came; at least let them prevail no further than they ought; let them mean no more than they say, and let us go no further than the examples: by which we find images made for other uses, but not for worship: and therefore the commandment may be moral in all the periods of it, this only excepted which relates to the making of them.

But when we consider further, that Solomon caused golden lions to be made about his throne, and the Jews imprinted images on their money, and in Christ's time they used the images of Cæsar on their coin, and found no reprover for so doing, this shows that there was something in the commandment that was not moral; I mean the prohibition of making or having any images. For to these things we find no command of God, no dispensation, no allowance positive; but the immunity of reason, and the indemnity of not being reproved: and therefore, for so much as concerns the making or having pictures and images, we are at liberty, without the warranty of an express commandment from God. The reason of the difference is this: the first instances (excepting that of the brazen serpent, which, because it was to be instrumental in a miraculous blessing, must suppose a Divine commandment, like a sacrament or sacramental) were of images used in the tabernacle or temple, and so came within the verge of religion; and, for their likeness to the main superstition, might not be ventured upon without special leave or approbation: and therefore God gave command for the images of the tabernacle, and, by his majestic presence in the temple, approved all that was there. Upon what confidence Solomon ventured upon it, and whether he had a command or no, I find not recorded; but, "ex post facto," we find it approved. But for the other images, which related wholly to civil use; right reason, and the common notices of things, was their sufficient warrant; while they could have no end in disobedience, no temptation to it, no reward for it; when it did not contradict any natural or religious reason; there was no danger of idolatry, no semblance of superstition. So that the result is this: the Jews were forbidden to make or have any images; and this was because of their danger: but this was no moral law. But the very making and having them for worship is forbidden, as the thing itself is. Just as adultery and wanton looks are forbidden in the same commandment, and are acts of the same sin,—so is worshipping and having them for worship; it is that which St. Paul calls in the matter of uncleanness, "making provision for the flesh, to fulfil the lusts thereof." Making images and pictures to this end, is providing for the flesh: for this also is fornication and spiritual whoredom. And as we may look upon a woman, and be innocent, so we do not look upon her for lust,—so may we have or make pictures and images; but for worship, we may not: and in this sense of the words, even this period of the commandment is also moral, and obliges us as much as the Jews: but if those words did, abstractedly and without their relation, bind the Jews, it did never bind us but by way of caution and prudence; that is, when we are in the same dangers as were the Israelites, in the rudeness and infancy of their church especially. And this we find in Tertullian; that when he had affirmed the very art of painting and engraving to be unlawful,—to them who inquire what then shall the poor men do, who have no other means to get their living? he answers, "let them paint tables and cupboards, and remove their art from danger of religion to necessary and fit provisions for life; let them do things as like as they were enabled by their art, so they were unlike the violations of religion;" and therefore the church celebrates, on the eighth of November, the memory of Claudius Nicostratus, and their fellows, who chose to die rather than make images for the heathen temples; they were excellent statuaries, but better christians. By which it is plain, that he means the very art, as it is ministered to idolatry; for abstracting from that ministry and that danger it was lawful enough:

> Qui fingit sacros auro vel marmore vultus,
> Non facit ille Deos; qui colit, ille facit.

He that worships the image, he makes it an idol: and he that designs any assistance to the idolatry,

[1] Sup. r. vi. n. 10. [m] De idol. c. 5.

or knowingly ministers to it, he adopts himself into a partnership of the crime. To which purpose was that of Tertullian,[n] "Facio (scil. imagines) sed non colo:—quasi ob aliam causam colere non audeat, nisi ob quam et facere non debeat, scilicet ob Dei essentiam utrobique: imo tu colis, qui facis ut coli possint." He answers the objection of them that say, "I make images, but I do not worship them;" "as if," says he, "there were any reason forbidding thee to worship them, but the same for which thou oughtest not to make them: I mean, the omnipresence of God. Nay, thou worshippest them, who makest them that they may be worshipped."—But in all other senses, the making a picture is not making an idol; and therefore that severe sense of the commandment, though, as it is most probable, it did oblige the Jews, and all persons in equal danger; yet because the reason may cease, and the danger be secured, when it is ceased the obligation also is null; and therefore, though that was in the commandment, yet it is no part of its morality: but that excepted, every other clause is moral and eternal.

32. (8.) And all this is perfectly consenting to the analogy of the gospel, which is a spiritual worship, unclothed of bodily ceremonies, stripped naked of beggarly rudiments, even those which God had commanded in the old law; Christ placed but two mysterious ceremonies in the place of all the shadows of Moses; and since christianity hath shook off that body and outside of religion, that law of a carnal commandment, that we might "serve God in spirit and truth," that is proportionable to his perfections, it cannot be imagined that this spiritual religion, which worships God in praises and love, in charity and alms, in faith and hope, in contemplation and humility, in self-denial and separations from all corporeal adherences that are not necessary and that are not natural,—I say, it cannot be imagined that this spiritual religion should put on a fantastic body, which, as much as it can, separates from a real: that christianity should make a vizor for God, who hath no body, and give that to him which the heathens gave to their devils: "Dæmoniis corpora contulerunt:" "they gave a body to their dæmons," says Tertullian,[o] when they made images to them; that he who, under the law of carnal ordinances, could not endure an image, should yet be pleased with it under the pure and spiritual institution of the gospel. A christian must γνησίας θεραπείας ἀσπάζεσθαι, "worship God with genuine and proper worshippings," that is, ψυχῆς ψιλῇ καὶ μόνῃ θυσίᾳ, "with the pure and only worship of the soul." Now if the ceremonials of Moses were contrary to this spirituality, and therefore was taken away by the gospel; it cannot be imagined that images, which are more contrary to a spiritual worship, should be let in by Christ, when they were shut out by Moses. To this purpose they are excellent words, which were spoken by Clemens Alexandrinus:[p] "Moses, many ages before, made a law, that there should be no graven, no molten, no painted image or likeness of a thing made amongst them, that we should not attend sensible things, but pass to those which are perceived by the understanding only. For the daily custom of seeing him (in effigy) makes that the majesty of God becomes vile and contemptible, and by material substances (gross images) to worship that essence, which is only discerned by the mind, is, by the sense, to undervalue the eternal mind."

33. (9.) And, upon these accounts, we find that the christians were great haters of image-worship, and even of images themselves; and did deride the heathen follies, who, in the midst of their witty disputations and wise discourses of God, did so unman themselves, and baffle their own reason, as to worship this invisible God by looking upon a contemptible image. To this purpose Origen discourses wisely;[q] "God hath chosen the folly of the world, those amongst the christians whose lives were most simple, modest, and more pure than that of the philosophers, that he might put to shame those wise men, who blush not to speak to lifeless trunks, as if they were gods, or images of the gods. For what sober man does not easily discern him, who, after his excellent and philosophical discourses of God, or of the gods, does presently look upon images, and offers prayers to them, or by the beholding them as some conspicuous sign, strives to lift up his mind to the imagination of an intelligible deity? But the christian, though but unlearned, yet he believes verily that the whole world is the temple of God, and he prays in every place, shutting his bodily eyes, but lifting up the eyes of his mind—and being rapt, as it were, beyond this world, he makes his prayers to God for great things." This is the advantage, the spirituality, and devotion of the christian. Concerning which it were easy to bring many ancient testimonies: which whoever is desirous to see, may find them frequently in the fathers of the four first ages; but especially in Irenæus, lib. i. cont. Hær. c. 24.—Origen, lib. vii. contr. Cels.—Tertul. de Idol. c. 5.,—and de Coron. Mil.,—and de Spectac. c. 23.—Clemens Rom. Recogn. lib. v.—and Clem. Alex. Strom. 1, et 5.—S. Chrysost. in Synod. 7. act. 6.—and in 1 Cor. viii.—Epiph. Hær. 29.—Amphiloch. apud Syn. 7, action. ead.—Optatus, lib. iii, contr. Donat.—S. Ambrose, ep. 31. ad Valent.—S. Austin, in Psal. 113: all which speak of this article so as needs no commentary, and admits of no evasion, decretorily, and dogmatically, and zealously.

34. Now against this heap of plain testimonies, there is not any one clear sentence and dogmatical proposition to be brought; and if there could be brought forty particular instances of a contrary practice, though there are not three to be had in pure antiquity and in authentic testimony, yet it could not, in any degree, abate the certainty of this doctrine: because the doctors of those ages say, that wherever there is any such thing, it is unlawful. Epiphanius did rend in pieces the veil at Anablatha, near Bethlehem, because it had in it the picture of a man; and this is so notorious, that Alphonsus à Castro calls him an iconoclast: but

[n] De Idol. c. 6. [o] De Idol. c. 7. [p] Stromat. 5. [q] Con. Cels. lib. 7.

Epiphanius gives this account of it to the bishop of Jerusalem, "Contra auctoritatem scripturarum esse ut in Christi ecclesiâ hominis pendeat imago;" and, "istiusmodi vela contra religionem nostram veniunt:" "It is against the authority of the scriptures, it is against our religion, that the image of a man, that such veils should be in the church:"—and Lactantius[r] as plainly, "Dubium non est quin religio nulla sit, ubicunque simulacrum est:" "where an image is, it is certain there is no religion:" and St. Austin answers all pretensions to the contrary, which can readily be drawn from antiquity. "I know," says he, "many that are worshippers of pictures, but such as neither know nor exhibit the force of their profession, but they are such who are superstitious in their very religion, such which the church would condemn, and daily seek to correct like little children."—This being the doctrine of the primitive church, if a contrary practice comes in, it is certain it is by corruption of faith and manners. The temples of gods and the images of gods they had in equal detestation; not that they hated public places of worship, but "templa, non ecclesias," or "dominicas;" for we must know, that in the language of the fathers, by "temples" they did mean such as the gentiles had; such as the Holy Scriptures[s] call the place of Micah's images, "a house of gods;" according to that famous saying of Isidore, "Templi nulla ratio quod non coronat simulacrum:" "It is no temple that is without an image:" and it is no church that hath one, according to the primitive christian doctrine: and it was remarkable what is told by Ælius Lampridius, in the life of Alexander Severus, that when Adrian, the emperor, had commanded churches to be built without images, it was supposed he intended them for the service of Christ; than which there needs no greater or clearer instance of the doctrine and practice of the holy primitives.

35. But the best and most perfect account that can be given of the christian religion in this article, is by the ecclesiastical laws. The council of Eliberis,[t] in Spain, made a canon: "Placuit picturas in ecclesiâ esse non debere, ne quod colitur aut adoratur, in parietibus depingatur:" "Pictures must not be in churches, lest that which is worshipped, or adored, be painted upon the walls." From which plain place Bellarmine, Perron, Binius, and divers others,[u] take great pains to escape: it matters not how, as to the question of conscience; it is sufficient what Agobardus, bishop of Lyons, above eight hundred years ago, says in this very particular. "Now error is so grown, and is perspicuous, that they approach near the heresy of the Anthropomorphites, and worship images, and put their hope in them; the cause of which error is, that faith is departed from men's hearts, and they put their confidence in what they see. But as when we see soldiers armed, or husbandmen ploughing, or mowing, or gathering grapes, in picture, or the pictures of huntsmen pursuing their game, or of fishermen throwing their nets, we do not hope to receive from them a mullet, or a month's pay, handsful of barley or clusters of grapes: so if we see winged angels painted, apostles preaching, martyrs dying, we are not to expect any aid or good from the images we see, because they can neither do good nor hurt. Therefore, for the abolishing of this superstition, 'recté ab orthodoxis patribus definitum est,' 'it was rightly defined by the orthodox fathers,' that pictures ought not to be in churches, lest that which is worshipped (viz. God or his Christ) be painted upon their walls." To the same purpose the fathers of the fourth council, at Constantinople, did quote the words of Epiphanius, as we learn from the acts of the second Nicene council,[x] in these words: "Take heed to yourselves and hold the traditions which ye have received: decline not to the right hand or to the left: and remember, my beloved sons, that ye bring not images into the churches, nor into the cemeteries of the saints; but by remembrance place God in your hearts." To the same purpose was it decreed by another synod,[y] at Constantinople, of three hundred and thirty-eight bishops, under Constantius Copronymus; forbidding all use of images in churches or out of them: and so much of their decree as forbade the worship of images was followed by Charles the Great and the learned men of that age, and confirmed by the synod at Frankfort, where the bishops of Italy, France, and Germany, were called by the emperor to that purpose. To these, if we add the council of Mentz, and the second council of Sens,[z] who commanded "populum moneri ne imagines adoret," "that the people should be warned, that they do not worship images,"—we have testimony enough of the christian doctrine and usages of the best men and the best times.

36. Concerning the christian doctrine, I suppose myself to have said enough in this article. But, besides the premises, there is something peculiar to be superadded, which concerns both Jews and gentiles, and the uninstructed laity of the christians.

37. (1.) Concerning the Jews I have already made it appear, that their religion was perfectly against images; but I have two things to add which relate to them: first, that, in the disputations between the Jews and christian doctors, in the primitive church, they never objected against the christians, that they either had images or did worship them: as is evident to them that read the conference between Justin Martyr and Tryphon; and in the book which Tertullian wrote against the Jews, and in divers other rencounters; in which the Jew was forward to object all that he could asperse the christian withal, and he, on the other side, as ready to defend his cause. But not one word, in any of them, of objection against the christians in the matter of images; which is an evident argument that the use of images was not as yet known to the church of the first ages.

2. For when the doctrine and manners of the

[r] Lib. ii. c. de Orig. Erroris.
[s] Judges xvii. 5.
[t] Eliber. can. 36.
[u] Illa (lex) non imprudenter modò, verùm etiam impiè à concilio Elibertino lata est de tollendis imaginibus.—Canus loc. Theol. lib. v. c. 4. concil. 4. de Pict. et Imag.
[x] Syn. 7. act. 6.
[y] A. D. 753.
[z] Senon 2. c. 2.

christians began to be sullied and degenerate; and she who was a pure virgin and dear to Christ, began to fornicate with strange imaginations; the Jew instantly became clamorous and troublesome in the article; professed himself to be scandalized at the whole religion, and in all disputations, was sure to lay it in the christian's dish. There was a famous dialogue,[a] written a little before the time of the seventh synod, in which a Jew is brought in, thus speaking to the christian: "Scandalizor in vos christiani, quia imagines adoratis; Scriptura quippe ubique præcipit non facere quenquam sibi sculptile, vel omnem similitudinem:" "I am offended at you christians, because ye worship images; whereas the Scripture every where commands, that no man should make to himself any graven image, or the likeness of any thing." Of the same accusation, Leontius, bishop of Cyprus, takes notice in his apology against the Jews: and that the Jews make great noises with this accusation of the christians, and put very much upon it, we may see in the epistle of Ludovicus Carretus, and the catechetical dialogues of Fabianus Fiogus. But this observation is very remarkable out of the Jewish Talmud; for in the first part of it, which they call the Misna, there is not one word of declamation or reproof against christians in the matter of images (as has been long since observed by learned men): for this was made about two hundred years after Christ, in all which time the christians did hate images as much as the Jews did. But in the Gemara Babylonicum, which is the second part of the Talmud, that is of authority amongst them, which was finished about five hundred years after Christ, at which time also images began to be received in churches; there and in all the commentaries of the Rabbins, published in the tenth or eleventh age, the Jews call the christian churches בית עבודה זרה beth havoda zara, "The house of idolatry;" and it will be impossible that ever they can become christians, so long as they see images worshipped in our churches; and the second commandment left out of the catechisms of those with whom especially they do converse.

38. That which I am to say concerning heathens, is this:—That it is impossible that those christians who worship images of God, should distinguish their manner of worshipping the true God, from the manner by which the heathens worshipped their gods. For they did not suppose their images to be gods; and therefore they would laugh at the christians, if they had nothing else to say against them, but that God is not a stone, or metal polished by the engraver's tool. Thus Arnobius brings in the gentiles speaking, "Neque nos æra, neque auri argentique materias quibus signa confiunt, deos esse et religiosa, decernimus esse numina, sed eos ipsos in his colimus, quos dedicatio infert sacra," &c. "We do not think the gold, or the brass or the silver, of which we make our images, to be gods; but in these images we worship them."

Hoc Deus est quod imago docet, sed non Deus ipse,
Hoc videas, sed mente colas quod cernis in ipsâ.

"The image is not God, but represents him; your eye upon the image, and your mind upon God."—"Quis enim alius est nisi sit plane fatuus, qui hæc deos esse putet, non autem deorum donaria et simulacra?" "None but fools (said Celsus[b]) will call them gods, which are but images of the gods." And it is very pertinent, which Lucian[c] told the matron who took it ill that she was complimented too high, and compared in beauty to the goddesses; "I never did, (says he,) fair lady, compare you to the goddesses, but with their images made by the best workman of stone, or brass, or ivory. And I do not think it impious to compare things with men, if those things are made by men; unless you will suppose that Phidias made Minerva—or that to be the heavenly Venus, which, a great many years ago, Praxiteles made at Cnidus. But take heed, for it is an undecent thing to think such things of the gods, whose true representations (as I suppose) no human industry can make." The same is to be seen in Athenagoras,[d] in Arnobius,[e] in Lactantius,[f] St. Austin,[g] and divers others. "Signa ad Junonis Sospitæ cruore manavere," said Livy;[h] "the signs (meaning the images in Juno's temple) did drop blood:" and Clemens Romanus[i] brings in the heathens saying, "We worship visible images to the honour of the invisible God." And they could sometimes laugh at their gods whom their priests exposed to worship, and yet themselves knew them to have been a plum-tree.

Olim truncus eram ficulnus, inutile lignum;
Cum faber, incertus scamnum faceret ne Priapum,
Maluit esse Deum. Deus inde ego, furum aviumque
Maxima formido. HORACE.

"It was a great question amongst the carpenters, whether this wood should be a god or a stool:"—now they that talked thus, knew what that was which their mystic persons called a god; they were sure they could be but images of them. So that these christians, who worship God by an image, although they otherwise sin against the first commandment than heathens do, who worship false gods, yet they sin equally against the second commandment, and, by images, transmit worship to their God respectively. I do not doubt but the ruder among the heathens did suppose the very image to be their god, or that their god did dwell in their temple, and in their image, or that a divine power was communicated to it:—

Ut pueri infantes credunt signa omnia ahena
Vivere, et esse homines, et sic isti omnia ficta
Vera putant: credunt signis cor esse in ahenis. LUCIL.

For some are such very children as to think the wooden puppet to be a wood man; and therefore when the prophets discoursed against them in the matter of images, they called them wood and stone, gold and silver, and represented the folly of putting trust in things that had no life, which themselves placed there, which cats did sit upon, and birds built

[a] Syn. 7. act. 5.
[b] Origen. contra Cels. l. 7.
[c] Lucian. pro imagin.
[d] Legat. pro christian.
[e] L. 6. adv. Gentes.
[f] L. 2. div. inst. c. 2. in init.
[g] De civit. Dei, l. 8. c. 23. et in Psal. cxiii. conc. 2. et l. 3. 3. de doctr. Christ.
[h] Dec. 3. l. 3.
[i] Recog. l. 5

their nests in: but either by these arguments they did reprove those fools amongst them, who did suppose them to be gods indeed, (who also sinned directly against the first commandment, and committed idolatry in the object of their worship,)—or those better spirits and wiser heads among them, who, though they derided that folly, yet they put their trust in the images, as supposing them invested with power from their God, and that by them he would do them benefit.

39. (3.) Now how far differing this is from the practice of christians, in some times and places, we may guess by the complaints made by learned men, particularly by Cassander, and Polydore Virgil, and Hesselius[k] the regius professor at Louvain; but without the aid of their testimony, it is plain by their public and authorized treatment of their images, they consecrate their images, they hope in them, they expect gifts and graces from them, they clothe them and crown them, they erect altars and temples to them, they kiss them, and bow their head and knee before them, they light up tapers and lamps to them, which is a direct consumptive sacrifice, "et reliquam observationem circa eas, similiter ut gentes, faciunt;" "they do to their images as the heathens do to theirs;" they are the words of Irenæus, by which he reproves the folly of some that had got the pictures of Christ and Pythagoras, and other eminent persons. But that which is most to be reproved, and can be less excused, is their prayers[l] and forms of dedicating their golden or wooden images; "Sanctify, O God, this form of the blessed Virgin, that it may bring saving help to thy faithful people, that thunders and lightnings may be driven away the sooner, that immoderate rains or floods, and civil wars, or the invasion of heathens, may at the presence of this, be suppressed." As bad or worse are in the pontifical, in the dedication of an image of the cross, and of St. John, and at the hallowing the "Agnus Dei." Now these things are as bad as can be, and yet done to images (I do not doubt) for their sakes whom they represent; but yet with some regard to the image itself, for so they value our lady of Hales, our lady of Walsingham, of Loretto, of Sichem, Aspricollis, Prunetana, Ardilleriana, more than our lady of Nostredame, or Florence, or St. Denis. Now when the relatives of one term do differ, it is for themselves that the difference is, not for the correlative, which is still the same: and here for the common people to discern the niceties, and the intricate nothings that their learned men have devised, to put a vizor upon this folly is so impossible, that it will not be easy to make them understand the terms, though a learned man were by them at every cringe they make. They cannot tell whether the worship be to the image or the exemplar; which is prime and which is secondary; they cannot distinguish of "latria," and "dulia," and "hyperdulia;" nor can they skill in proper or improper worship, mediate and immediate, univocal, equivocal, and analogical, nor say how much is for this, and how much for that, or which is simple and which is allayed, which is absolute and which is reductive. And although men in the schools, and when they have nothing to do but to make distinctions which nobody can understand, can separate word from word, form from matter, real from notional, the shadow from the body, a dream from a vision, the skin from the flesh, and the flesh from the bone,—yet when they come to action, and clothe their theorems with a body of circumstances, he that attends the present business of devotion and desire, will not find himself able or at leisure then to distinguish curiously; and therefore it was well said of Hesselius of Louvain:—"Images were brought into use for the sake of the laity, and now for their sakes they are to be removed again, lest they give Divine worship to the image, or fall into the heresy of the Anthropomorphites:" (he might have added,) "or lest by worshipping God by an image, they commit the sin of superstition and idolatry, breaking the second commandment." For the same folly, which in the heathens was reproved by the primitive christians, the same is done now-a-days by christians to their images. I shall conclude this with a story out of an Italian,[m] who wrote commentaries of the affairs of India:—When the poor barbarians of Nova Hispania, in the kingdom of Mexico, had, one day, of a sudden found their idols taken down and broken, they sent four principa lpersons of their country to Alfonsus Zuasus, the licentiate, who had commanded it; they complaining of the injury supposed also, and told him they did believe it to be done without his consent or knowledge, as knowing that the christians had idols and images of their own, whom they valued, and adored, and worshipped: and looking up, and espying the image of St. Sebastian, whom Alfonsus had in great veneration hanging by his bed-side, they pointed at him with their finger, saying, the same regard which he had to the image of St. Sebastian, the same they had to theirs. The governor being troubled with this quick and not barbarous discourse, turned him about a little, and at last told them, that the christians did not worship images for their own sakes, but as they represented holy persons dwelling in heavenly places: and to demonstrate that, took down the image of St. Sebastian, and broke it in pieces. They replied that it was just so with them; and that they were not so stupid to worship the images for their own regards, but as they represented the sun and moon, and all the lights of heaven. Alfonsus being yet more troubled, was forced to change the state of the question, by saying that the object was differing, though the manner was not; that the christians did by their images pass honour to the great Creator of the world; but they did it to creatures, to evil spirits, and false gods: which was indeed very true, but it was a removing the question from the second commandment to the first. For although, in relation to the first, the heathens have the worst of it;

[k] Consult. loc. de imagin. De invent. rer. in Decal. part 1. c. 66.

[l] Pontific. Rom. Vid. Missal. Rom. sub tit. De ritu servan.

[m] Pietro Martire. Hist. delle Ind. l. 20. c. 11.

yet as to the second, these christians and the poor Indians were equal: and the wit of man cannot tell how they differ.

40. But I shall add this, that though it be impossible to know how the worship of God by an image should come into the world: unless it be, as Tertullian said of the very art of making images, that "it came from the devil;"—yet it is observable, that it never prevailed any where but in a degenerating people. The Jews at first were pure worshippers of the God of their fathers, but at any time when Satan stood at their right hand and made Israel to sin, then they would play the fool with images. In the purest times of christianity they kept themselves clean from images; but as they grew worse, so they brought in superstition, and worship of images, and so it was amongst the heathens too. While they kept themselves to the principles of their institution and tradition, which they had from the patriarchs of nations, who had been taught by God, and lived according to nature; they worshipped God simply and purely.

Si Deus est animus——
Hic tibi præcipue purâ sit mente colendus.

"A pure and immaterial substance is dishonoured by any worship but that of a pure and a holy mind;" —and the ancientest Romans, for one hundred and seventy years together, worshipped without an image, said Varro; who adds this judgment of his own, "quod si adhuc mansisset, castius Dii observarentur:" "if the same had been still observed, the gods had been more purely, more chastely worshipped." The word which Varro uses, is very proper, and according to the style of Scripture, which calls idolatrous worshippings by the name of fornication. But Varro adds this reason, "Qui primi simulacra Deorum populis posuerunt, eos civitatibus suis et metum dempsisse, et errorem addidisse." The introduction of images brought in error, and cast out fear:

Stulte verebor ipse cum faciam Deos:

"if I worship what I make, I will not fear what I worship."—"Well and wisely did he suppose (said St. Austin) that the greatness of their gods might soon become despicable by the foolishness of images:" and it might reasonably prevail against the old superstition to suppose, that he who governed all the world, ought to be worshipped without an image. The same testimony we have in Plutarch in the life of Numa: "The gods had houses and cells, but no images, as supposing it to be impious to express the greatest things by the basest; and knowing that there is no other way of coming to God but by the mind."

41. From hence I infer, that neither God nor nature, neither reason nor religion, brought images into the worship of God; but it was the invention of superstitious men, or rather of the enemy of mankind, that he might draw the heart of man from contemplation of the invisible, and depress it to low phantasms, and sensible adherences, to diminish the fear of God, and to produce confidences in dead substances clothed with accidents of art; to amuse the foolish, and to entertain the weakest part of him that is wiser, and that religion might be capable of tricks and illusions, which could not happen to immaterial and spiritual worshippings. But that all the reason of the world is against it, may be the rather presumed, because, although the patrons of images offer at some reasons for the use of images in story and ornament and instruction,—yet no man pretends to any reasonableness of worshipping God by an image, or giving God's due to an image. Some of them say, that "the same worship passes from the image unto God, and therefore it is lawful, and God is not dishonoured:" but upon no reasonable account can it be said, that therefore it is good, that it pleases God, that it promotes his honour, that it is without danger; and however any man may intend to pass the relative honour that way, yet no man hath any warrant that God will accept it, or that he will endure it, that way; that he will receive his sacrifices most readily, when they are first washed (shall I call it? or fouled) in the Borborus, by the pollutions and abominations of images: for that they are called so in Scripture, is evident; but they are never commended there, not one good word of them is there recorded: but of the worship of them nothing but prohibition and execration and foul appellatives. There is no necessity of it, no advantage by it, no man is helped by it, no command, no license, no promise, no Scripture for it; all the religions that ever God did institute, are expressly against it; and to sum up all, it is against the law of nature: of which I need no other witnesses but the testimony of all those wise personages, who affirm the two tables of Moses to be moral in every precept, excepting that of the sabbath, and to be of the law of nature. So Irenæus[n] expressly: so Tertullian,[o] St. Cyprian,[p] Origen,[q] St. Austin,[r] and generally all antiquity. The sum of all I express in the words of St. Paul, ὁ Θεὸς ὁ ποιήσας κόσμον οὐκ ὑπὸ χειρῶν ἀνθρώπων θεραπεύεται· "God is not worshipped with men's hands," that is, with the productions of art and imagination.

42. I conclude, that the second commandment is a moral and natural precept in the whole body and constitution of it, if the first words of it be relative to the last; that is, if the prohibition of making images be understood so as to include an order to their worship: but if these words be made to be a distinct period,—then that period was only obligatory to the Jews, and to christians in equal danger, and under the same reason; and therefore can also pass away with the reason, which was but temporary, transient, and accidental: all the rest retaining their prime, natural, and essential obligation.

Of the Jewish Sabbath, and the Lord's Day.

43. There is one instance more, in which the rule is more apparently verified; which I mentioned a little above: and that is, the precept of the

[n] Lib. iv. c. 31, 32.
[o] De Idolatr. lib. iii.
[p] Ad Quirin. c. 59. & c. 1. de Exhort. Martyr.
[q] Origen. Hom. 8. in Ex. lib. 15.
[r] Contr. Faust. c. 4. et 7

sabbath: which God instituted for many reasons. 1. To be a perpetual memorial of the creation, and that God might be glorified in the works of his hands by the religion of that day. 2. To preserve the memory of their deliverance from the captivity of Egypt;[s] and upon the same account, to do ease and remission τοῖς δούλοις λογικοῖς καὶ ἀλόγοις, "to servants reasonable and unreasonable." R. Moses Ben Maimon, in his Moreh Nevochim,[t] affirms, that the end of the sabbath is, "Septimam vitæ partem homini præstare liberam, et vacuam à labore et defatigatione, tum conservare et confirmare memoriam et fidem creationis mundi;" "that we should spend the seventh part of our life in ease and rest; and preserve the faith and memory of the article of the world's creation;"

Ἕβδομον ἦμαρ ἐὴν καὶ τῷ τετέλεστο ἅπαντα. Hom.

because upon the seventh day all things were finished: and therefore according to that of Linus cited by Eusebius,

Ἑβδόμη εἰν ἀγαθοῖς, καὶ ἑβδόμη ἐστὶ γενέθλη.
Ἑβδόμη ἐν πρώτοισι, καὶ ἑβδόμη ἐστὶ τελείη.

"The seventh day is the day of the world's nativity, or the feast of its birth, it is the chiefest and most perfect of days." 3. St. Austin[u] hath another fancy; and he intends to offer at no higher rate: "Dici probabiliter potest, observandum sabbatum Judæis fuisse præceptum in umbrâ futuri, quæ spiritualem requiem figuraret, quam Deus, exemplo hujus quietis suæ, fidelibus, bona opera facientibus, arcanâ significatione pollicebatur:" "It may be said, probably, that the precept of the sabbath to the Jews was a type and shadow of that spiritual rest, which God by his example did, by a secret signification, promise to the faithful that did good works." I acknowledge that there is a fair proportion in the sign and in the thing signified; but whether this was so intended by God, or so understood by the Jews, is but "probabiliter dictum," a probable conjecture taken only from the natural similitude of the things.

44. But allowing this: the consequent of all will be; that what was for temporary reasons established cannot pass an eternal obligation. Concerning which it is to be observed, that those are to be called temporary or transient reasons, not only when the thing ceases to have a being; such as those laws which were to separate the Jews from the gentiles, and those which related to the tabernacle, or the land of their dwelling, or the manner of their sacrifice, or their addresses to their chief city; for these cease by subtraction of the matter and the natural abolition of the material cause; because the wall of partition is taken down; and the law of ceremonies is abolished, and the people are exterminated from their country, and their sacrifices are ceased, and their city is destroyed, and their temple burnt: but that reason also is transient and temporary, which in a like instance, passes into a greater of the same kind. Thus the deliverance of Israel from the Egyptian bondage, though being a matter of fact, it is eternally true that it was once done, yet it is a temporary transient reason: because all God's people now rejoice in a greater deliverance, and from a bondage that was infinitely worse,—from the slavery of sin, and the powers of hell. And thus also the great reason of the sabbath, I mean God's rest from the works of the creation, is a temporary, transient reason; because there is now a new creation; "vetera transierunt," "old things are passed away and all things are become new;" and the gospel is νέα κτίσις, "a new creation," and our natures are regenerate, and reformed, and made with new principles of a new life to higher ends than before; and therefore, though the work of God's creation is to be remembered and God to be glorified by us in his works, yet when there is a greater reason, the solemnity must relate to that, and the lesser duty can be well served by that day, which can also minister to the greater.

45. And therefore we find that something of this very reason is drawn into the observation of the Lord's day, or the first day of the week, by Justin Martyr,[x] τὴν τοῦ ἡλίου ἡμέραν κοινῇ πάντες τὴν συνέλευσιν ποιούμεθα, ἐπειδὴ πρώτη ἐστὶν ἡμέρα, ἐν ᾗ ὁ Θεὸς τὸ σκότος καὶ τὴν ὕλην τρέψας κόσμον ἐποίησε, καὶ Ἰησοῦς Χριστὸς ὁ ἡμέτερος σωτὴρ τῇ αὐτῇ ἡμέρᾳ ἐκ νεκρῶν ἀνέστη. "We celebrate conventions or assemblies commonly upon the Sunday, because it is the first day in which God separated the light from the darkness, and made the world, and on the same day Jesus Christ our Saviour arose from the dead."—The first of these looks more like an excuse than a just reason; for if any thing of the creation were made the cause of a sabbath, it ought to be the end, not the beginning; it ought to be the rest, not the first part of the work; it ought to be that which God assigned, not which man should take by way of after-justification.

46. But in the precept of the sabbath, there are two great things. One was the rest, the other the religion of the day. The rest was in remembrance of their deliverance from Egypt; and therefore they kept their first sabbatic rest upon the very day in which their redemption was completed, that is, as soon as ever Pharaoh and his host were overthrown in the Red sea; and this because it was external, ritual, national, relative, and temporary, abused by superstition, and typical of something to come, without all contradiction is so perfectly ceremonial and consequently abrogated, that there can be no greater wonder than to see some christians such superstitious observers of the rest of that day, that they equal even the greatest follies of the Jews: who, as Munster out of the Rabbins observes, thought it unlawful to put an apple to the fire to be roasted upon that day, and would not pour out wine upon mustard-seed, nor take a clove of garlic from its skin and eat it, nor thought it lawful to pursue a skipping flea, nor to kill any creeping thing that had variety of sexes, nor to climb a tree lest they break a bough, nor by singing to still the cry of a child, nor to play upon the harp, nor by walking on the grass pluck up a leaf with the shoe. These, trifles as they were, such which even

[s] Deut. v. 14. [t] Lib. iii. c. 43. [u] S. Aug. lib. iv. de Genes. ad lit. c. 11. [x] Apol. 2.

the Jew was no ways obliged to, so they are infinitely against christian liberty and the analogy and wisdom of the religion.

47. But the Jews say that Enoch and Noah, Abraham and Jacob, kept a festival to God, a memorial of the creation. If so, yet we find no rest observed by them, nor any intermission of their journeys; but it is reasonable to believe, that by some portions of their time, they did specially serve God, as well as by some actions of their life, and some portions of their estate: and to this it is not improbable that Moses did relate, when, to the words in Deuteronomy, "Remember to keep the day of the sabbaths to sanctify it," he adds *ὃν τρόπον ἐνετείλατό σοι Κύριος ὁ Θεός σου*, "according as the Lord thy God had commanded thee," meaning, at the beginning of the world: but in this part of the precept there was nothing of rest, but much of holiness and proper sanctification.

48. Now concerning this, the resolutions will be easy; that God should be served and glorified by us is a part of natural and essential religion; this cannot be done with nothing; there must be bodies, and gifts, and places, and time to do it in: the patriarchs did bind themselves, or were bound by God, to certain circumstances; for that which is indefinite and unlimited, shall neither be done constantly nor regularly: but since the day of the creation's ending was afterwards made the rule of fixing a day, it is also probable, that that also was the limit and rule for the patriarchs' religious solemnity; this indeed is denied by St. Irenæus, and Tertullian, and some others, affirming that the patriarchs who kept no sabbath, were yet pleasing to God: but because certainly it was so to the Jews, upon a reason which though it can be involved in a greater, yet it cannot totally be forgotten; it is more than probable that the religion of the day must never be forgotten; but God must have a portion of our time for his service, and the blessing which they were, both in and before the law, to commemorate, must also, by implication or else expressly, be remembered.

49. Upon this or some equal account, the primitive christians did keep the sabbath of the Jews; not only for their compliance with the Jews till the distinction were confessed and notorious; but because the moral religion, which was served by that day, was not brought into the religion of the Lord's day as yet; therefore the christians, for a long time together, did keep their conventions upon the sabbath, in which some portions of the law were read:[y] and this continued till the time of the Laodicean council;[z] which also took care that the reading of the Gospels should be mingled with their reading of the law: which was, in a manner, the first public reasonable essay of uniting the religion of both days into one.

50. At first, they kept both days with this only difference,—that though they kept the sabbath, yet it was after the christian, that is, after the spiritual manner: in these exuberances and floods of religion, which overflowed their channels, one day of solemnity was not enough: but besides that they, by their sabbath meetings, had intercourse with the Jews in order to their conversion, and the Jewish christians, in order to the establishment of their religion, they were glad of all occasions to glorify God: but they did it without any opinion of essential obligation; and without the Jewish rest; and upon the account of christian reasons. Of this custom of theirs we find testimony in Ignatius,[a] *ἀλλ' ἕκαστος ἡμῶν σαββατιζέτω πνευματικῶς μελέτῃ νόμων χαίρων, οὐ σώματος ἀνέσει, δημιουργίαν Θεοῦ θαυμάζων, οὐχ ἕωλα καὶ χλιαρὰ πίνων, καὶ μεμετρημένα βαδίζων, καὶ ὀρχήσει καὶ χοροῖς, νοῦν οὐκ ἔχουσι, χαίρων.* That was their way of observation of the sabbath. "Let every one of us keep the sabbath spiritually; delighting in the meditation of the law, not in the ease of the body; wondering at the works of God, not indulging to delicious banquets, and softer drinkings or dancings that do not better the understanding."—So that they kept the sabbath, not as did the Jews; who, as Munster affirmed, supposed it to be a keeping of the sabbath, if they wore better clothes, or ate more meat, or drank the richest wines: idleness, and luxury, and pride, are the worst ceremonies of the religion of the sabbath; the proper employment of that day is religion, which the Jews, and from them some of the most ancient christians, signified by "meditation of the law." But then he adds; *Καὶ μετὰ τὸ σαββατίσαι ἑορταζέτω πᾶς ὁ φιλόχριστος τὴν κυριακὴν τὴν ἀναστάσιμον, τὴν βασιλίδα, τὴν ὕωατον πασῶν ἡμερῶν.* "After they have kept the sabbath, let every one that loves Christ, keep the day of the Lord; the day of the memorial of his resurrection; which is the queen and the supreme of all other days." And without further testimony we find it affirmed, in general, by Balsamo, *παρὰ τῶν ἁγίων πατέρων ἐξισώθησαν διόλου σχεδὸν ταῖς Κυριακαῖς τὰ σάββατα·* "The sabbath day and the Lord's day were, almost in all things, made equal by the holy fathers;" and some of them called them "brethren:" so Gregory Nyssen;—some, *καλὴν τὴν συνωρίδα τοῦ σαββάτου καὶ τῆς Κυριακῆς*, so Asterius; "an excellent combination or yoke of the sabbath and the Lord's day:"—and *ἡμέρας ἑορτῶν*, so the canon of the apostles, "the feast-days," which Zonaras[b] well explicates to the present sense, but the constitutions of St. Clement[c] (which is indeed an ancient book) gives the fullest account of it; *τὸ σάββατον μέντοι καὶ τὴν κυριακὴν ἑορταζέτω, ὅτι τὸ μὲν δημιουργίας ἐστὶν ὑπόμνημα, ἡδὲ ἀναστάσεως*: "Let the sabbath and the Lord's day be kept festival; that, because it is the memorial of the creation,—this, of the resurrection:"—and, therefore, whereas it is in the commandment, "six days shalt thou labour," &c. he says, that servants are to labour but five days: and upon this account it was, in the Greek church especially, and is to this day, forbidden to fast upon the sabbath and the Lord's day.

51. The effect of which consideration is this; that the Lord's day did not succeed in the place of the sabbath; but the sabbath was wholly abrogated, and the Lord's day was merely of ecclesiastical institution. It was not introduced by virtue of the

[y] Acts xv. 21. [z] Can. 16. A. D. 364. [a] Epist. ad Mag. [b] Lib. vii. c. 24. [c] Lib. viii.

fourth commandment; because they, for almost three hundred years together, kept that day which was in that commandment; but they did it also without any opinion of prime obligation, and therefore they did not suppose it moral. But there was together with the observation of the day a piece of natural religion, which was consequently moral; that is, a separation of some time for the glorification of God and the commemoration of his benefits. —Not that it can be reasonably thought, that the assignation of a definite time can be a moral duty, or that an indefinite time can be the matter of a commandment; and therefore I suppose it to be unreasonable to say, that although the seventh day is not moral, yet that one day is, or at least that some time be separate, is moral; for that one day in seven should be separate, can have no natural, essential, and congenite reason, any more than one in ten, or one in six: for as it does not naturally follow, that, because God ceased from the creation on the seventh day, therefore we must keep that holy-day, so neither could we have known it without revelation; and therefore what follows from hence, must be by positive constitution: now if it be said, "that it is moral, that some time be set apart for God's service;"—I say it is true, that it is necessary, naturally necessary that it be so, but this cannot be the matter of a special commandment; because it being naturally necessary that God should be solemnly worshipped, this must suppose a time to do it in, as a natural circumstance, and needs not a commandment; which is sufficiently and unavoidably included in the first commandment, in which we are bound to serve God with religion. The fourth commandment enjoined a definite time, but that was ceremonial and abrogated: but an indefinite time is not a duty of this commandment, but supposed in that, which commands us to worship God. For we may as well worship God, and do no action, as worship him in no time. The definite time here named is taken away, and the indefinite time cannot be a distinct duty, but yet in imitation of the reasonableness and piety of that law, and in commemoration of a greater benefit than was there remembered, a day of more solemn religion was used by the christian church: for as on the Jewish sabbath, they remembered the creation and their redemption from Egypt: so on the Lord's day, they commemorated the works of God, and their redemption from sin, hell, and the grave: but the first reason was to yield to the second; as the light of a lesser star falls into the glories of the sun, and though it be there, yet it makes no show, because a bigger beauty fills up all the corners of the eyes and admiration: and now the Lord's day hath taken into itself all the religion, but not the rest of the sabbath; that is, it is a day of solemn worshipping God, and of remembering his blessings, but not of rest, save only as a vacancy from other things is necessary for our observation of this: because, as the Italians say, "Io non puo cantare e portare la croce," "I cannot sing and carry the cross too;" a man cannot at once attend to two things of contrary observation.

52. That we are free from the observation of the sabbath, St. Paul expressly affirms;[d] adding this reason, "Feasts, new moons, and sabbath-days, and meats and drinks, are but the shadow of things to come, but the body is of Christ:" where, by the way, let it be observed, that, upon the occasion of this and some other like expressions, the christians have supposed, that all the rites of Moses were types and figures of something in christianity, and that some mystery of ours must correspond to some rite of theirs. This fancy makes some impertinences in the discourses of wise men, and amuses and entertains the understanding of many with little images of things, which were never intended, and hath too often a very great influence into doctrines: whereas here the word σκιὰ τῶν μελλόντων, "the shadow of things to come," means a shadow in respect of the things to come; that is, if these rituals be compared to the τὰ μέλλοντα, "those things which were to come," they are but very shadows, and nothings: σκιὰ, or "shadow," signifies not in relation, but in opposition, to "corpus." "The shadow," that is, a religion consisting but in rituals and exterior solemnities;—but christianity is "the body," that is, that durable, permanent, true, and substantial religion, which is fit for all men, and to abide for all ages: and therefore, Hesychius, by "corpus Christi," in this place, understands the word of "doctrine;" that is, a religion which consists in wise notions, ἐν ἀληθείᾳ, "in truth," not in external rituals that signified nothing of themselves, but something by institution. Others by "the body of Christ" here, understand "the christian church;" in which sense the word is used by St. Paul[e] to the Corinthians: and in this very place it means so, if the words be read, as some Greek copies do, that is, with conjunction and reference to the next verse: τὸ δὲ σῶμα τοῦ Χριστοῦ μηδεὶς ὑμᾶς καταβραβευέτω, &c. "Let no man make a gain of you, who are the body of Christ." However, that St. Paul affirms the customs of the Pythagoreans in abstinence from flesh and wine, and of the Jews in their feasts and sabbaths, to be no fit matters, in which men are to be judged,—that is, for the not observing of which they are to be condemned,—but to be shadows and umbrages, not substantial parts of religion, is evident by the antithesis, however it be understood; but in order to other purposes, I observed here, that he does not mean they are types and figures; for the Pythagorean vanities did never pretend to this, but they and the other two are but shadows, empty and unprofitable in respect of the religion, which Christ brought into the world. They were ineffective and insignificative; but only present entertainments of their obedience, and divertisements and fixings of their thoughts apt to wander to the gentile customs; but nothing of natural religion.

53. Now although the primitive christians did also meet publicly upon the Jewish sabbaths, yet that they did it not by virtue of the fourth commandment, appears because they affirmed it to be ceremonial, and no part of the moral law, as is to be seen

[d] Coloss. ii. 16. [e] 1 Cor. xii. 27.

in Irenæus, Tertullian, Origen, St. Cyprian, and others before quoted.[f] And in the council of Laodicea,[g] the observation of the Jewish sabbath, which, till that time, had continued amongst christians, was expressly forbidden: "Non oportet christianos judaizare et in sabbato vacare, sed operari eos in eâdem die, Dominicam præponendo eidem diei. Si hoc eis placet, vacent tanquam christiani, quod si inventi fuerint judaizare, anathema sint:" "Christians must not keep the rest of the sabbath, but work upon that day, preferring the Lord's day before it. If they will rest on that day, let them rest as christians; but if they rest as Jews, let them be accursed:" that is, if they will keep the day holy, let them sanctify it as christians should sanctify their day,—that is, only with such a rest as ministers to the opportunities of religion, not so as to make the rest to be the religion of the day.

54. The Jewish sabbath being abrogated, the christian liberty, like the sun after the dispersion of the clouds, appeared in its full splendour: and then the division of days ceased, and one day was not more holy than another, as St. Paul[h] disputes in his epistle to the Galatians, and from him St. Jerome;[i] and when St. Paul reproved the Corinthians for going to law before the unbelievers, who kept their court-days upon the first day of the week, he would not have omitted to reprove them by so great and weighty a circumstance as the profaning the Lord's day, in case it had been then a holy day, either of Divine or apostolical institution: for when, afterwards, it grew into an ecclesiastical law, and either by law or custom, was observed together with the Jewish sabbath, Constantine[k] made a favourable edict, that the christians should not be impleaded on those two festivals. Of which I only make use to this purpose, that among the gentiles these were law-days; and therefore the Corinthians must needs have been profaners of that day by their law-suits,—and therefore have been, upon that account, obnoxious to the apostolical rod, if the day had then, in any sense of authority, been esteemed holy.

55. But although there was no holiness in any day, yet they thought it fit to remember the great blessings of God, which were done upon certain days. An action cannot be separated from time; it must be done some day or other, and most properly upon the anniversary, or the monthly, or weekly minds; but yet this they did with so great indifferency of observation, that it cannot look less than that there was a providence in it. For although all the christian church, that kept the Sunday festival, did it, and professed to do it, in remembrance of the resurrection of our Lord,—yet that the day of its memory was not more holy than any day, and was not of necessary observation, it appears by the eastern churches, and all the disciples of St. John, who kept the feast of the resurrection of our Lord, I mean the anniversary, the great, the prime feast, and that which was the measure of all the rest, not upon that day of the week on which Christ did rise, but on the day of the full moon, whenever it should happen. Now this must needs be a demonstration, that the day of the resurrection was not holy by Divine or apostolical institution: the memory of the blessing was to be eternal; and though the returning day was the fittest circumstance, yet that was without obligation; for if the principal was mutable, then the less principal could not be fixed; and this was well observed by St. Austin:[l] "Hoc in iis culpat apostolus, et in omnibus qui serviunt creaturæ potius quam Creatori. Nam nos quoque et Dominicam diem et Pascha solenniter celebramus; sed quia intelligimus quo pertineant, non tempora observamus, sed quæ illis significantur temporibus:" "He first esteemed it to be a serving the creature more than the Creator, to observe any day as of Divine institution; but then if it be objected that we also observe the Lord's day and the feast of Easter; he answers, it is not the day we keep, but we remember the things done upon that day."—For the day is indifferent, and hath no obligation. God himself[m] declared his dislike of the religion or difference of days, by an evangelical prophet: and what God the Father did then sufficiently declare, his holy Son finished upon the cross; and his apostles published in their sermons: only such days are better circumstanced, but not better days. The same is affirmed by St. Jerome upon the fourth chapter to the Galatians.

56. But now that we are under no Divine law or apostolical canon, concerning the Lord's day, we may, with the more safety, inquire concerning the religion with which it was accidentally invested. St. Cyprian[n] and St. Austin[o] suppose, that because circumcision was commanded to be on the eighth day, it did typically represent the Lord's day, which is the eighth from the creation: the council[p] of Foro-Julium saith, that Isaiah prophesied of this day; and that the Jewish sabbath was the type of this day, was the doctrine of the fathers in the council of Matiscon.[q] "This is the day which the Lord hath made," said the Psalmist, as he is expounded by Arnobius[r] and divers others: "Exultemus et lætemur in eo, quia lumine vero nostras tenebras fugaturus illuxit; nos ergo constituamus diem Dominicam in frequentationibus usque ad cornua altaris:" "Let us rejoice and be glad in it, because the Sun of righteousness, dispersing the clouds of darkness, hath on this day shined upon us: let us, therefore, keep the Lord's day in solemn assemblies, even unto the horns of the altar."—Upon this day Christ finished the work of our redemption, which was greater than the cessation from creating the world; on this day he rose again for our justification, and, therefore, this is called by St. Ignatius, "the queen of days;" upon this day Christ twice appeared to his apostles after the resurrection; upon this day St. Paul[s] appointed the collection for the poor, and, consequently, enjoined or supposed the assemblies to be upon this day; upon this day the Holy Ghost descended upon the apostles; and on

[f] Numb. 41. [g] Can. 29. [h] Gal. iv. 10.
[i] In hunc locum. [k] Apud Euseb.
[l] Contr. Adam. Man. c. 16. [m] Isaiah lxvi. 23.
[n] Ep. 59. ad Fid. [o] Ep. 119. ad Januar.
[p] Can. 13. [q] Can. 1.
[r] In Psal. cxviii. [s] 1 Cor. xvi. 2.

this day St. Peter preached that operative sermon, which won three thousand souls to the religion; on this day St. John[t] was in ecstasy, and saw strange revelations: so that it is true what Justin Martyr said, "Our blessed Lord himself changed this day;" that is, by annulling the sabbath, and by his resurrection and excellent appearances and illustrations upon that day; not by precept, but by indigitation, and remarking that day by signal actions and a heap of blessings; so that it is no wonder that St. Cyprian and St. Leo, St. Ignatius and St. Austin, the councils of Laodicea, Matiscon, and Foro-Julium, of Palestine and Paris, speak so much of the advantages and prerogatives of this day, the celebration of which was so early in the christian church, that it was, though without necessary obligation, or a law, observed in all ages and in all churches. It is true that Socrates said, *σκοπὸς μὲν οὖν γέγονε τοῖς ἀποστόλοις οὐ περὶ ἡμερῶν ἑορταστικῶν νομοθετεῖν*, "It was the purpose of the apostles to make no laws concerning festival days:" but it is also very probable what one said; that "it descends from apostolical institution,"—"Servatâ tamen libertate christianâ," that is, the apostles did, upon the Lord's day, often meet, break bread, and celebrate the memory of Christ; and by their practice recommended the day as the most fitted for their synaxes or conventions; but they made no law, imposed no necessity, but "left the church to her christian liberty," and yet (that I may use the words of the fathers in the council of Matiscon) "justum est ut hanc diem celebremus, per quam facti sumus quod non fuimus:" "It is fit we celebrate this day, because of the blessing of the resurrection happening on this day, by which we became that which before we were not."

Quest. And now if it be inquired how we are to celebrate this day,—

57. I answer, that we are sufficiently instructed by those words of the Laodicean council, "vacent tanquam christiani:" there is a certain rule and measure by which christians keep their festivals. The Jewish manner was a perfect rest: the christian manner is an excellent religion and devotion; but no rest excepting such a rest as ministers to religion: abstinence from such works, which if we attend to, we cannot attend to the religion that is commanded, is essentially necessary, when the keeping of the day religiously and solemnly becomes necessary. There are also some corporeal works, which are properly celebrations of the day, or permitted in all religions upon their festivals: such as are acts of public or private benefit: works of necessity, little things, and unavoidable: which are sometimes expressed in this verse,

Parva, necessarium, res publica, res pia fratri.

Among the old Romans, in their most solemn festivals, some things were specially permitted,

Quippe etiam festis quædam exercere diebus
Fas et jura sinunt: rivos deducere nulla
Religio vetuit, segeti prætendere sepem,
Insidias avibus moliri, incendere vepres,
Balantumque gregem fluvio mersare salubri. Macr.

"It was lawful to turn the water lest it might do mischief, or that it might do good; to stop a gap in a hedge, to prevent a trespass, to lay snares for birds, to water the cattle, to burn weeds:"—and no religion forbids things of this nature.

58. But besides the laws and practices of heathens in the natural religion and observation of festivals, we may be instructed by the same religion amongst the Jews and christians: reading and meditating the law was the religion of the Jews[u] upon their feasts and sabbaths: "Moses of old hath them that preach him in every city, being read in the synagogues every sabbath day," said St. James. "They met *εἰς ἱεροὺς τόπους*, as Philo calls their synagogues, and they heard Moses and the prophets read and expounded: there they did all the actions of natural religion; there they taught piety and holiness, justice and government, economical and political affairs; and the measures of things good, and bad, and indifferent;"—and though, in their synagogues, the exposition and meditation of the law was their principal employment: yet in their tabernacle and in their temple, which were their places of worship, they offered sacrifice, and sang hymns, and praises, and glorifications of God. This was the duty and the religion of their sabbath; not as it was a special separate feast, but because this was the employment fitted for all spiritual and religious feasts whatsoever.

Sancta dies oritur, linguisque animisque favete,
Hoc dicenda bono sunt bona verba die.

All holidays are days designed for holy offices, for the celebration of the Divine name and the Divine attributes; for charitable and holy discourses. That rest which God superadded, being only commemorative of their deliverance from the Egyptian servitude, was not moral, nor perpetual; it could be dispensed with at the command of a prophet; it was dispensed with at the command of Joshua,—it was broken at the siege of Jericho,—it always yielded when it clashed with the duty of any other commandment; it was not observed by the priests in the temple, nor in the stalls by the herdsmen, nor in the house by the "major-domo;" but they did lead the ox to water, and circumcised a son; that is, it yielded to charity, and to religion, not only to a moral duty, but to a ceremonial: and therefore could not oblige us. But that which remained was imitable: the natural religion which was used upon the Jewish festivals, was fit also for the holidays of christians.

59. And this also plainly was the practice of the christians, and bound upon them by the command of their superiors. 1. It was not *σώματος ἀνέσει*, as St. Ignatius[x] expressly affirms; the rest of the body is no essential duty of the christian festivals: that was a Judaical rite; but the christian is bound to labour even upon that day, says that holy martyr; for then there had been no positive inhibition. And the primitive christians did all manner of works

[t] Apoc. i. 10.
[u] Acts xv. 21. Vide Acts xiii. &c. xiv. 27, 44. Luke iv. 16, 31. and xiii. 10.

[x] Ep. ad Magnes.

upon the Lord's day, even in the times of persecution, when they are the strictest observers of all the Divine commandments: but in this they knew there was none; and therefore when Constantine[y] the emperor had made an edict against working upon the Lord's day, yet he excepts, and still permitted, all agriculture, or labours of the husbandmen whatsoever; for "God regardeth not outward cessation from works, more upon one day than another," as St. Epiphanius disputes well against the Ebionites and Manichees.

60. Thus far was well enough, when the question was concerning the sense and extent of a Divine commandment; labour is a natural duty, but to sit still, or not to labour upon a whole day, is no where by God bound upon christians.

61. (2.) It was not *ἀνέσει σώματος*, but it is *μελέτῃ νόμου*, and *δημιουργίαν Θεοῦ θαυμάζων*, so the same father:[z] "The meditation and exercise of the word of God, and admiring the works of God," that was the work of christian festivals:—and that they might attend this, they were commanded to abstain from servile works more or less, these or others respectively, in several times and places. "This we find in Justin Martyr,[a] speaking of the christian sabbath and synaxes; the citizens and countrymen are assembled together, and first are read the Scriptures of the prophets and apostles; then the priest or president makes a sermon or exhortation to them to practise what they heard read; then all go to prayers; after this they receive the holy eucharist; then they give alms to the poor." This is the manner of the christian festivity. Now what cessation from the secular works is necessary, in order to the actions of religion; all that we may suppose to be accidentally the duty also of the day. To this purpose is that saying of St. Gregory,[b] "Dominico die à labore terreno cessandum est, atque omni modo orationibus insistendum, ut si quid negligentiæ per sex dies agitur, per diem resurrectionis Dominicæ precibus expietur;" "On the Lord's day we must cease from worldly labour, and by all means persevere in prayer; that whatsoever in the six days was done amiss, may be expiated by the prayers of the seventh, the day of the Lord's resurrection." In the synod at Tours, in France, the religion of this day was also strictly enjoined: "Oportet christianos in laude Dei et gratiarum actione usque ad vesperam perseverare;" "Christians must persevere in praising God, and giving thanks to his holy name until the evening:" that is, until the evening-song be finished, for then the ecclesiastical solemnity is over. They who were tied to this long office, could less be permitted to do any secular business; and according as the piety of the church increased, so the prohibitions of labour were the more strict; for that which was wholly relative, must increase and diminish according to the diminution or enlargement of the correspondent. Constantine forbade all labour but the labours of husbandry; but affirms the Lord's day to be the fittest for dressing or setting of vines, and sowing corn. Leo and Anthemius, emperors,[c] forbade all public pleasures, vexatious suits or actions, arrests, and law days, appearances in courts, advocations, and legal solemnities on the Lord's day. The third council of Orleans permitted waggons, and horses, and oxen to travel upon Sundays, but forbade all husbandry, that the men might come to church. In an old synod held at Oxford, I find that on the Lord's day, "Conceduntur opera carrucarum et agriculturæ:" and I find the like in an old injunction of Queen Elizabeth, "Corn may be carried on Sundays, when the harvest is unseasonable and hazardous." In these things there was variety; sometimes more, sometimes less, was permitted. Sometimes fairs and markets, sometimes none; in which that which we are to rely upon, is this:

1. That because it was a day of religion, only such things were to be attended to, which did not hinder that solemnity which was the public religion of the day.

2. Nothing at all to be admitted, which was directly an enemy to religion, or no friend.

Of the first I have already produced sufficient witness. Of the second there is the less doubt, not only because natural reason does abhor all irreligious actions, especially upon a day of religion, but because all the pious men and lawgivers of the christian church, have made complaints and restraints respectively of all criminal or scandalous actions upon that day. Witness St. Ignatius,[d] Tertullian,[e] St. Gregory,[f] and St. Austin,[g] bishop of Hippo; the twenty-third canon of the council of Toledo, the edict of Leo and Anthemius; all which complain of, and forbid, the evil usages of the profaner men who spend the Lord's day, which by the church of God, and in imitation of God himself, and in celebration of the greatest mystery of our redemption, was appointed for the solemn service of God,—in riotous eating and immoderate drinkings, vain feasts, and wanton dancings, interludes and songs, as if they intended to verify the scoff of Rutilius,[h]

> Septima quæque dies turpi damnata veterno,
> Ut delassati turpis imago Dei.

And that the rest of the day did represent God to have been weary, but therefore was designed for wine, and the licentiousness of his servants.

3. The rest of the day was so wholly for the ends of religion, so merely relative to the public services of the church, so nothing of the proper and absolute duty of the day, that the fathers of the church affirm it to be better to work, than upon that day to be idle, and do nothing. So St. Austin[i] expressly: "Melius faceret . . . . in agro suo aliquid utile, quam si in agro otiosus existeret: et melius fœminæ eorum die Sabbati lanam facerent, quam quæ totâ die in neomeniis suis publice saltarent:" "To do something that is profitable in the field, is better than to sit there idle, and to spin is better than to dance."

[y] L. Omnes c. de Feriis. [z] Ibidem. [a] Apol. 2.
[b] Lib. xi. ep. 3. [c] L. Omnes 3. Cod de Feriis. Can. 21.
[d] In his Epistle to the Magnesians. [e] Apolog. c. 42.
[f] In his Epistle to Austin, Archbishop of Canterbury.
[g] In his Sixty-fourth Epistle to Aurelius.
[h] In Itinerar. [i] L. de Decem Chordis. c. 3.

4. In those places, where the offices of the church are not expensive of the whole day, it is lawful to do (upon just cause) any work that is not forbidden by our superiors, or scandalous to our brethren, in those portions of the day which are unemployed; and to deny this is called perverseness,[k] and contrary to faith: "Quidam perversi spiritûs homines prava inter vos aliqua, et sanctæ fidei adversa seminârunt, ita ut die sabbati aliquid operari prohiberent." They that forbid all manner of work as unlawful, by Divine law, upon the sabbath, are "prædicatores antichristi," "preachers of antichrist;" for he when he comes, says St. Gregory, "diem sabbati atque Dominicum ab omni faciet opere custodiri;" "shall forbid all working upon the sabbath, and the Lord's day."

5. The Lord's day, being set apart by the church for religion, ought to be so employed as the laws of the church enjoin, and no otherwise; and although it were an act of piety, not only to attend to public offices, but even to attend to especial and more frequent private devotions on that day than others, yet this is without all obligation from the church; concerning whose intention to oblige, we can no ways presume, but by her words and laws when she hath declared herself.

6. The question concerning particular works, or permitted recreations, is wholly useless and trifling; for "quod lege prohibitoriâ vetitum non est, permissum intelligitur," says the law; "all that is permitted, which in the negative precept is not forbidden:"—but as for some persons to give themselves great liberties of sport on that day, is neither pious nor prudent; so to deny some to others, is neither just nor charitable.[l] The ploughman sits still in the church, and the priest labours; and the wearied man is permitted to his refreshment, and others not permitted, because they need it not; and there is no violation of any commandment of God, even when there is a profanation of the day indulged upon pious and worthy considerations.

62. I end this with the words of Gerson:[m] "Quilibet eo die abstineat ab omni labore aut mercatione aut alio quovis laborioso opere secundum ritum et consuetudinem patriæ, quam consuetudinem prælatus spiritualis illius loci cognoscens non prohibet; quod si aliquâ super tali consuetudine dubietas occurrat, consulat superiores;" "Upon the Lord's day we are to abstain from all merchandises, or other laborious work, according to the custom and law of the country; provided that the bishop, knowing of any such custom, do not condemn it: and if there be any doubt concerning it, let him inquire of his superiors." In all these cases, custom and the laws, the analogy of the commandment, and the designs of piety, christian liberty, and christian charity, are the best measures of determination.

63. I have now done with the two great exceptions, which are in the decalogue, and are not parts of the moral law. All the rest are natural precepts of eternal obligation; and are now also made christian by being repeated and renewed by Christ, and not only left in their prime, natural necessity; but as they are expounded into new instances of duty, so they put on new degrees of obligation.

64. As a supplement to this rule, and in explication of many emergent questions concerning the matter of the Divine laws, and their respective obligations, it will be useful to enumerate the signs and characteristics, by which we can, without error, discern which precepts are moral, and which are not: for this is a good and a general instrument and rule of conscience, and useful in many particulars.

The Measures of Difference, to discern between Moral Precepts and Precepts not Moral, in all the Laws of God.

65. (1.) All moral laws are such, whose prime and immediate measures are natural reason: but of precepts not moral, the reasons may be economical or political, some emergency of state or accident; a reason that passes away, or that is introduced by a special blessing or a special caution; a personal danger, or the accidents of conversation.—That we should obey our parents is a moral law. This we know, because for this we naturally, and by our very creation, and without a tutor, have many reasons, and see great necessities, and find abundant usefulness. For whoever is in need, cannot be relieved but upon such conditions as they, who are to relieve them, will impose upon them. Love and obedience are but gratitude and necessity; because all children are imperfect and helpless persons, living upon the love and care of parents and nurses: they derive their natures and their birth, their education and maintenance, from them; that is, they owe to them all that, for which any man can be obeyed and loved; they have on them all the marks and endearments of love and fear; they are, in respect of their children, useful and powerful, better in themselves, and beneficial to their descendants; and, therefore, the regal power is founded upon the paternal.

Αὐτὰρ ἐγὼν οἰκοῦ ἄναξ ἔσομ' ἠμετέροιο. Homer.

And unless where God did speak by express voice, he never did speak more plainly, or give power to one man over another so plainly, as to parents over their children: their power is the fountain of all other, and the measure of all other: it hath in it the end and usefulness of all government, it hath love and it hath caution, it is for the good of the subjects; and though it keeps the honour in itself, yet the advantage ever passeth on to others. And then if we consider that children are a part of their parents, that the parents are blessed and cursed in them,—that there is in them towards their children a natural affection,—that the little image of immortality in which men desired to last for ever, is supplied to them by succession, which preserves their name and memory;—that parents are more wise, and more powerful, and before in time, and useful in all regards; that children cannot at first understand, nor do, nor speak; that therefore naturally they must be in the possession of them that can;—

[k] Cap. Perven. de Consecr. Dist. 3.

[l] Gloss. Ordinar. in 28. Matth. [m] In Decal.

that no man will quit his interest without just reason;—and these reasons of subjection being prime and natural, and some of them lasting, and all of them leaving an obligation and endearment behind them, they cannot pass away without leaving indelible impressions: it must necessarily and naturally follow, that children must pay to their parents the duties of love and obedience;

Ὅστις δὲ τοὺς τεκόντας ἐν βίῳ σέβει,
Ὁ δ' ἔστι καὶ ζῶν καὶ θανὼν θεοῖς φίλος. EURIP.

It is the voice of nature: "He that honours his parents, is dear to God."—Now when there is so much prime and natural reason,—or if there be but any one that is so, which by nature we are taught, it is God's mark upon an eternal precept: and whatsoever God hath commanded, that is naturally reasonable, that is, if it be naturally known, or if it be a reason that is not relative to times and persons, a reason that will not pass away with the changes of the world; a reason that enjoins a thing that is perfective of our nature, and which cannot be supplied by something else; all that is to be confessed to be a part of the moral law. But on the other side, if we take the instances of circumcision, and inquire whether this can be an eternal law; besides the ways of discovering this by the lines and measures of revelation, we can also tell by the causes of its injunction: it was appointed as a mark of a family, a separation of a people from other nations, the seal of a temporary covenant, a violence to nature, not naturally apt to signify or to effect any thing beyond the wound made by the sharp stone, a rite for which no natural reason can be given; and, therefore, it was never written in our hearts, but given in tables that could perish.

66. (2.) That, of which no reason can be given, is not a moral precept. Because all moral laws, being also natural, are perfective of human nature, and are compliances with our natural needs and with our natural and measured appetites; they are such in which all mankind feels a benefit; and where he sees his way: they are and have been found out by the heathen, drawn into their digests of laws; and there was never any law pretended to be moral, but they that did pretend it offered at a reason for it, derived from the fountains of nature. For every moral law being natural, either it must be naturally consonant to the understanding, or only to the natural desires: if to the understanding, then there is a discernible reason; if only to the desires, then the measure might be this, that whatsoever we naturally desire, shall become a natural duty;—which, if it could be admitted, would infer all the mischiefs and disorders of the world. Upon this account all sacraments and sacramentals are excluded from being moral laws, because they depending wholly upon Divine institution, whose reasons are very often secret and unrevealed, we can neither naturally know, nor naturally consent to them, and therefore can stand bound to them no longer than to the expiration of that period, for which they were invented.

67. (3.) The consequents of natural reason are no indications of a moral commandment. For moral laws are few, and founded upon prime reason, such as appears so to all discerning persons; but when once men begin to argue, and that their art or observation is also to be relied upon, it is so often deceived and always so fallible, that God's wisdom and goodness would never put our eternal interest upon the disputations of men. It is said by some men to be of the law of nature, that spiritual persons should be exempt from secular jurisdiction; but because they infer this from some proportions of nature, the natural distinction of spiritual and temporal, by two or three remote and uncertain consequences, it is to be despised; though we had not, 1. so many precedents in the Old Testament to the contrary; and, 2. the example of our blessed Lord, who, being the head of all spiritual power, was yet subject to the civil magistrate; and 3. the express words of St. Paul speaking of the secular magistrate, and commanding "*every soul* to be subject to them;" that is, priests and monks, apostles, and evangelists, and prophets, as St. Chrysostom[n] thence argues: and all this, 4. besides the notoriety of the thing itself; spirituality being a capacity superadded to persons, who by a former, that is a natural duty are subordinate to secular superiors. But besides all this; if the deduction of consequents shall be the measure of moral duties, then the wittiest disputant shall be the lawgiver, and logic will be the legislative; and there will be no term or end of multiplication of laws: for since all truth depends upon the prime and eternal truth, and can be derived from thence and return thither again, all actions whatsoever that can be, in any sense, good or useful, will be, in all senses, necessary and matter of duty. There is a chain of truths, and every thing follows from every thing, if we could find it out: but that cannot be the measure of laws; for besides that a thing is reasonable, there must be a Divine commandment; and if a good reason alone is not sufficient to make a moral law, a bad one is not sufficient to declare it. That all who are obliged by a law, should, at least by interpretation, consent to it, is said by many to be of the law of nature; yet this is so far from being a moral commandment, that, in some very great communities of men, the clergy, who are not the ignoblest part of the people, have no vote in making laws, nor power to choose their representatives. Indeed it is very reasonable and full of equity, that all states of men who are fit to choose for others, should at least be admitted to choose for themselves; yet because this relies not upon any prime natural reason, that necessarily infers it, but is to be trusted to two or three consequences and deductions,—men have leave to use their power, and may choose whether they will, in this thing, use the absolute power of a prince, or the more compliant posture of a father. This is better; but that is not, evidently, against a moral commandment.

68. (4.) A law that invades the right of nature, is not always the breach of a moral commandment. By the law of nature, no man is bound to accuse

[n] In hunc locum.

himself; but because it is not against the law of nature, if he does, and only against a privilege or right of nature, 1. the complicated necessities of men,—2. the imperfection of human notices,—3. and the violence of suspicion,—4. and the dangers of a third person,—5. or the interest of the republic,—6. or the concerns of a prince, may make it reasonable that a man be asked concerning himself, and tied to give right answers. A natural right is no indication of a moral law. But of this I have already spoken, upon another occasion.

69. (5.) Every consonancy to natural reason is not the sufficient proof of a moral law. For, as we say in natural philosophy, that τὰ φυσικὰ and τὰ κατὰ τὴν φύσιν, "things natural and things according to nature," are not all one: it is according to nature, that they, who have the yellow jaundice, should look of a yellow colour; but this is not a natural affection, but preternatural, all the way. So it is in moral instances; it is consonant to nature, that we should not boil a kid in her mother's milk, but this makes no moral law, for it is not against a natural law[o] if we do. There are some little rationalities and proportions and correspondencies of nature, which are well and decent and pretty, but are not great enough to establish a commandment, or to become the measure of eternal life and death. Nothing less than the value of a man, or the concernment of a man, is the subject of moral laws; and God having given to a man reason to live justly and usefully, soberly and religiously, having made these reasonable and matters of conscience by a prime inscription, hath, by such prime reasons relating to God or man, bound upon us all moral laws. Man only is capable of laws; and therefore to man only, under God, can moral laws be relative.

70. (6.) When God gives a law, and adds a reason for it, it is not always the signification of a moral law, though the reason be in itself eternal,—unless the reason itself be proper, relating to the nature of the thing, and not matter of empire. For example; when God commanded the people of Israel to give the first-born to him or to redeem it, he adds this reason, "I am the Lord."[p] Now, although this reason be eternal, yet it is not a proper reason for this; but a reason by which he does or might enjoin all commandments: and it is also matter of empire and dominion, by which he can remonstrate his absolute supreme legislative power, which is reason sufficient for our obedience, but yet it is extrinsical to the nature of the precept; and therefore, upon this account, it cannot be called moral, whose reason is always natural, proper, and immediate. But yet even this very reason, although it is a matter of empire, yet when it is put to a commandment as a proper reason, and refers to the matter of the law, it is a certain token of morality: for thus this is the preface or the reason affixed to the first commandment; and something like it is in the second. For here, when God says, "I am the Lord," it is a proper, natural, essential reason, inferring that therefore we must have no other gods, nor to any other thing that is not God give Divine honour.

[o] Vid. Aquinat. 12. q. 95. art. 2. [p] Numb. iii. 12.

71. (7.) When God, in the Old Testament, did threaten the heathens, or punish them for any fact, it was not a sufficient argument to conclude that fact to be done against a moral commandment; unless other things also concurred to the demonstration. This I made to appear in the instance of some marriages: and it relies upon this reason: because the nations were obliged by the precepts of Noah, all the instances or particulars of which were not eternal in their obligation.

72. (8.) All the instances or pursuances of a moral law, are not as moral or necessary as their fountain; but that moral law is only to be instanced in those great lines of duty, which are named, or apparently designed, in the letter or analogy of the law. That those who minister at the altar should be partakers of the altar, is a moral law, and a part of natural and essential justice and religion: in pursuance of this, the priests did eat of the sacrifice, and were maintained by tithes and offerings; and thus this moral law amongst them was instanced and obeyed. But though these were the ways in which the Jews did obey a moral law, yet these instances are not moral and eternal; because the commandment can be performed without them: and though the ox be muzzled when he treads out the corn, yet if he eats his fill before and after his work, there is no breach of the commandment. Thus also it is commanded, that "we should rise up to the grey head," which is a pursuance of the fifth commandment; but yet this expression of reverence to old men is neither necessary at all times, nor yet to be done by all persons: another expression may do all the duty that is intended; and he that, with civil circumstances, gives an alms to an old beggar, hath done more regard to him than he that gives him a compliment. For although moral commandments are sometimes signified with the investiture of circumstances or particular instances, yet because great reason is their measure, prime, natural, essential, and concreated reason, it is easy to make the separation.

73. (9.) The strong, violent, and firm persuasions of conscience in single persons, or in some communities of men, is not a sufficient indication of a moral law. The weak brother, of whom St. Paul speaks, durst not eat flesh, but thought it an impiety next to unpardonable, but he was abused: and there are at this day some persons, some thousands of persons, against whose conscience it is to dress meat upon the Lord's day, or to use an innocent permitted recreation. Now, when such an opinion makes a sect, and this sect gets firm confidents and zealous defenders, in a little time it will dwell upon the conscience, as if it were a native there; whereas it is but a pitiful inmate, and ought to be turned out of doors.

74. (10.) The consonant practices of heathens, in a matter not expressly commanded by God to them, is no argument that what they did in that instance, was by the light of nature, or a duty of a moral commandment. The heathens paid tithes to Hercules; they kept the seventh day sacred; they forbade their holy persons to make second marriages; but

it will be too great an easiness upon this account to suppose these to be matter of essential duty: not only because (as Tertullian observes) the devil was willing to imitate the severity or customs and rites of God's church, to make his own assemblies the more venerable, symbolical, alluring, and persuasive;—but because the nations, to whom God commanded tithes, sabbaths, and the like, had intercourse with many others, and were famous in the world by blessing and miracles, by the laws and oracles of God, by excellent government, and the best learnings. The Phœnicians conveyed many Hebrew customs into Greece, and some learned persons went to school in Palestine, and taught their own nation some mysteriousnesses, which themselves learned under the Jewish doctors: and when the judaizing christians did pertinaciously retain circumcision, they might, upon this ground, have pretended it to be consonant to the law of nature; because even the gentiles, the Egyptians, the Arabians, all the nations that descended from Ishmael and Esau, and divers other nations, their neighbours, did use it. But, consent is no argument, when it is nothing but imitation.

75. (11.) The appendant penalty of temporal death, imposed by God Almighty upon the breakers of a law, does not prove that law to be of eternal obligation. I instance in the gathering sticks upon the sabbath,—the omitting circumcision,—the approaching a wife "in diebus pollutionis;" all which were made sacred by the greatest penalty, but yet had not the greatest obligation; they were not moral.

76. (12.) When two laws are in conflict and contest, and call for an impossible obedience, one must yield to the other; but that which must yield is not moral and eternal. The observation of the sabbath, and doing acts of charity, did often interfere in the actions and occurrences of our blessed Saviour's life; but the sabbath was always made to yield to charity. Thus sacrifice and mercy, the outward work and the inward, the letter and the spirit, do often make contrary pretensions; but sacrifice, and the outward work, and the letter, are to yield and to comply, and therefore are but the expressions, or instances, or significations of a moral duty; but of themselves have no morality. This holds in all instances, and hath no exception.

77. (13.) By the not considering of these measures, a great part of mankind have been deceived; but they could only be secured by the first, which, because it is also possible to be mistaken in the application, by reason of the miscarriages and confidence of some men, therefore the last resort of all moral laws is to the scriptures of the New Testament; in which, whatsoever is commanded to all mankind, is either moral in its nature, or is so by adoption; which last clause I put in by reason of the sacraments, and some glorious appendages of morality, and heroical acts of charity, commanded by Christ: the observation of which, although it be not moral or of prime natural necessity, yet because they are commanded by Christ, whose law is to oblige us as long as the sun and moon endure; to us christians, and to all, to whom the notice of them does arrive, it is all one in respect of our duty, and hath no real difference in the event of things. But if, from the Old Testament, men will (as it is very often attempted in several instances) endeavour to describe the measures of moral laws, the former cautions are of necessary observation.

RULE VII.

There is no State of Men or Things, but is to be guided by the Proportion of some Rule or Precept in the Christian Law.

1. THAT is, where there is no law to restrain us, we may do what we please; but where we are tied up to rules and measures, we have no lawgiver, or fountain of religion, but God, who in these last days hath spoken to us only by his Son, who, as he is supreme in all things, so he is every way all-sufficient; and as by him only we can be saved, so by him only and by his Spirit we must be governed. To this purpose we believe that he hath taught us all his Father's will: he is "the Author and Finisher of our faith;" and therefore to him, and to an obedience to him, we must bring our understanding: we pray that his "will may be done here, as it is in heaven;" and therefore he is perfectly to rule our wills here, for we are sure he does rule all above: we have no lawgiver but him,—no rule but his will,—no revelation of his will but in his word:—and besides this, we have no certain place where we can set our foot. The laws of the Jews were either for them and their proselytes alone, or were adopted into the christian code: right reason gives measures of things, but of itself makes no laws, unless it be conducted by a competent authority. The prophets were either expounders of Moses's law, or preachers evangelical; that is, either they called to obedience in things not moral; or, if they did, they only spake the sermons of the gospel, and whatsoever was excellent in all the world, was but a derivation from the wisdom of the eternal Father; and all this was united into a system of holy precepts, at the appearing of the eternal Son: and since "there is no name under heaven, by which we can be saved, but only the name of Jesus," and he saves us not only by procuring pardon for them, but by turning us from our iniquities,—by efforming us anew,—by reforming whatsoever was amiss in manners and persuasion,—by conforming us to the similitude of the holiness and perfections of God, and brings us to glory by the ways and methods of grace, that is, never leaves us till our graces are perfect, and even with eternal felicities; it follows that we must go to him,—that he must teach us and guide us,—that he must govern us and persuade us,—that his laws must be our measures, his wisdom must be our star, his promises our aims; and we may as well say there can be two principles, as that, besides him, there can be any eternal and supreme lawgiver. One is more than all the numbers of the world.

2. And if we look into the nature of his laws, we shall handle this truth as the people on mount Sinai

did see thunder: all excellencies have as perfect unity as any one hath; and there can be but one justice, and it is the same grace of mercy which dwells in the bowels of all the good men and women in the world; and of temperance there can be but one general measure; and unchastity is a certain prevarication of one excellency that is known to all the world. And as for religion, since there is but one God, and he is to be worshipped as himself pleased, and to convey his blessings to us by what mediator and by what instruments himself shall elect;—there can be in these things no variety, unless there be a plain deficiency in the means of the Divine appointment. All the duty of mankind is in religion, justice, and sobriety; and, in all these things, God, by Jesus Christ, hath given us many laws, and besides them he hath given us no other; we have but one Lord, and therefore but one lawgiver and measure of justice; we have but one faith, and therefore but one religion; we have but one baptism, or solemnity of renunciation of the flesh, the world, and the devil, and therefore but one rule for our comportment; one measure of sobriety according to the unity of our nature, which, being made after the image of God, is one as God is one. If, therefore, our blessed Lord be a perfect lawgiver, his law alone must be the measure of our duty and obedience; but if he be not a perfect lawgiver, whither shall we go to understand the will of God? "Master, whither shall we go? for thou hast the words of eternal life," said St. Peter:[q] there is the question, and the answer too; and they, together, make the argument a demonstration. For if we can obtain eternal life by the words of Christ, then they contain in them the whole will of God; for he that fails in one, is imperfect, and loses all; and therefore, in the words of Christ, there is a perfect provision for an entire obedience, because they are a sufficient way to life eternal.

3. The effect of this consideration is,—that all the measures of good and evil must be taken by the evangelical lines. Nothing is to be condemned, which Christ permits; and nothing is to be permitted, which he condemns. For this is the great prerogative and perfection of Christ's law, above that of Moses; some things by Moses were permitted for necessity, and "because of the hardness of their hearts:" thus divorces and polygamy became legally innocent, because a perfect law was too hard for that people, and, like a yoke upon a young ox, would have galled them, not subdued them; and if he had strained too hard, the silver cords of discipline would have been first broken, and then despised. But when Christ came, he gave perfect laws, and more perfect graces; he made the capacities of his obedience larger, and fitted the law and the subject by even, and natural, and gracious proportions, and permitted nothing which his Father loved not: and now every plant that God hath not planted, must be rooted up: and therefore this law must needs be absolute, and alone, and unalterable, and perfect, and for ever; and this appears infinitely upon this account, that although our nature is such, that it will always be growing in this world towards perfection, and therefore that it is imperfect, and our obedience will be imperfect; yet even this Christ does not allow, or positively permit: but commands us to be perfect, that is, to go on towards it, to allow nothing to ourselves either of crime or of suspicion, to be perfect in our desires, to be restless in our endeavours, to be assiduous in our prayers, never to think we have comprehended, never to say it is enough: and if our blessed Master does not allow of any imperfection of degrees, but thrusts the most imperfect forwards to perfection, it must be certain, that, in his provisions and his laws, there can be no imperfection, but he hath taken care for all things on which eternity depends, and in which God is to be glorified and obeyed. And therefore, in no case can it be allowed to any man, or to any company of men, to do any thing which is not there permitted.

4. Quest. Upon the account of this rule it is to be inquired, whether it can be lawful for a prince or republic to permit any thing for the public necessities of the people, which is forbidden by the laws of Jesus Christ.

5. To this I answer with a distinction:—that if the question be, whether in any cases there may be actual impunity,—there is no peradventure but there may; for sometimes it is necessary, as when a multitude sins: for then the remedy is much worse than the disease, and to cut off all would effect, "ut nemo sit, quem peccâsse pœniteat;" there would be justice without discipline, and government without subjects, and a cure without remedy. And therefore it is, that princes, in the mutinies of armies, or in the rebellion of their people, use to cut off the heads of offenders, or decimate the legions, as Cæsar and Germanicus did: but if it be part of the people, though a considerable part, and the action highly criminal, we find great examples, that executions have been done by subjects, by the innocent part, and then all the offenders suffered. Thus it happened in the mutiny of Cæcina's legions, and their defection to the Ubii, the innocent part cut off all the rebels: and thus it was commanded by Moses, who punished all them who worshipped the golden calf, by the sword of the Levites; he set every man's hand against his brother, and none of the criminals did escape. But sometimes it is impossible to punish all; and, very often, the evil would be more than the good. For, in all penal laws and inflictions, although there be much of vindictive justice, yet this justice is but a handmaid to government and correction. When revenge is not also discipline, then it is no government, unless tyranny be the name of it. So that, in such cases, it may be lawful to spare some who need it indeed, but deserve it not.

6. But if, by impunity, be meant a legal impunity, it must either mean, that a law shall warrant the action, or that it shall, before-hand, promise indemnity: if it warrant the action, which the evangelical law hath forbidden, it is like the laws of Omri, it is "statutum non bonum," and erects a government against the law of Christ: if it condemns the action, but promises indemnity, it dis-

[q] John vi. 68.

parages itself, and confesses its own weakness: but as the first can never be lawful, so neither can the second ever be made so, but with these cautions.

Cautions to be observed in civil permissions of an unlawful act or state.

7. (1.) That the thing so permitted, be, in the present constitution of affairs, necessary; and yet will not be without the evil appendage. Thus it is necessary, that in all communities of men, there be borrowing and lending; but if it cannot be without usury, the commonwealth might promise not to punish it; though of itself, it were uncharitable, and consequently unlawful. For it is either lawful, or else it is unlawful, for being against justice or against charity. If it be against justice, the commonwealth, by permitting it, makes it just; for as it is in the economy of the world, the decree of God doth establish the vicissitudes of day and night for ever: but the sun, by looking on a point, not only signifies, but also makes the little portions of time, and divides them into hours; but men, coming with their little arts and instruments, make them to be understood, and so become the sun's interpreters; so it is in the matter of justice, whose great return and firm establishments are made by God, and some rules given for the great measures of it; and we, from his laws, know just and unjust, as we understand day and night: but the laws of princes, and the contracts of men, like the sun, make the little measures, and divide the great proportions into minutes of justice and fair intercourse; and the divines and lawyers go yet lower, and they become expounders of those measures, and set up dials and instruments of notice, by which we understand the proportion and obligations of the law, and the lines of justice: just and unjust we love or hate respectively by our warrant from God; and from him also we are taught to make the general lines of it; as, Do what you would be done to,—restore the pledge,—hurt no man,—rob not your neighbour of his rights,—make no fraudulent contracts,—no unjust bargains:—but then what are his rights, and what are not; what is fraudulent, and what is fair; in what he hath power, in what he hath none, is to be determined by the laws of men. So that if a commonwealth permits an usurious exchange or contract, it is not unjust, because the laws are the particular measures of justice and contracts, and therefore may well promise impunity, where she makes innocence, as to matter of justice. But if usury be unlawful because it is uncharitable, then when it becomes necessary it is also charitable comparatively; and as to charity no man, by the laws of God, is to be compelled (because it is not charity if it be compelled; for God accepts not an unwilling giver, and it is not charity, but an act of obedience and political duty, when, by laws, men are constrained to make levies for the poor); so much less can they be compelled to measures and degrees of charity; and if to lend upon usury be better than not to lend at all, it is, in some sense, a charity to do so: and if it be when it will not be otherwise, there is no question but the prince, that allows indemnity, is not to be damnified himself. I instanced in this; but in all things else, where there is the same reason, there is the same conclusion.

8. (2.) Impunity may be promised to any thing forbidden by the law of Christ, if it be in such cases, in which the subject matter is disputable and uncertain, whether it be so or no; then it may. Thus it happens in questions of religion, in which it is certain there are many resolutions against the truth of God; but yet they may be permitted; because, when they are probably disputed, no man is fit to punish the error, but he who is certain, and can make it appear so to others, that himself is not deceived.

9. (3.) Whatsoever is against the law of Christ, in any instance, may not be directly permitted for the obtaining a greater good, but may for the avoiding of a greater evil, which is otherwise indeclinable. If a prince be perfectly persuaded, that the suffering the doctrine of transubstantiation is against the laws and words of Christ, it may not be suffered, though the parties interested promise to pay all the gabels of the nation, and raise an army to defend it: but if a rebellion cannot otherwise be appeased, it is lawful; not only upon many other accounts, which are appendant to the subject matter, but because when two evils are before me, neither of which is of my procuring, I am innocent if I suffer either, and I am prudent if I choose the least, and I am guilty of no crime, because I am but a suffering person: but if I do it to obtain a greater good, I choose the evil directly, because I am not forced to pursue the greater good; I can be without it: and although I may choose the least evil, because I cannot avoid that or a greater; yet when the question is, whether I shall permit an evil or lose an advantage, I may escape all evil, at no greater price than by losing that advantage: so that here is no excuse, because there is no necessity; and in matters of duty no good can make recompence for doing any evil: but the suffering of a lesser evil is highly paid for by the avoiding of a greater.

10. (4.) When any such evil against the laws of Christ is permitted, the evil itself must be so reproved, that the forced impunity may not give so much encouragement to the crime as the censure must abate. The reason is, because no evil must be done at any price; and we must rather lose our life than cause our brother to offend; and if each man is bound to this, then every man is bound to it. But because impunity is the greatest encouragement to sin, and next to the pleasure or interest of it, is the greatest temptation; care must be taken that what serves the interest of the republic, may not deceive the interest of souls; and this being the greatest, ought infinitely to be preferred; and therefore unless something be directly done, that may be sufficient security against the probable danger, no interest of the commonwealth is to be served against it; because none is sufficient to be put in balance against one soul.

11. (5.) This impunity (especially if it be in the matter of sobriety) must not be perpetual, but for a time only, and must be rescinded at the first opportunity. Thus St. Austin, when he complained of

the infinite number of ceremonies which loaded the church, and made her condition more intolerable than that of the Jews under the Levitical yoke, adds this withal, that this was no longer to be tolerated than till there was a possibility to reform. And when St. Gregory had sent Augustin the monk to convert the Saxons, he gave him advice not to press them at first too passionately to quit their undecent marriages, which by their long customs and the interest of their families they would be too apt to hold too pertinaciously, and with inconvenience, but afterwards it would be done.

12. (6.) Till the impunity can be taken away, it were an act of prudence and piety, and in many cases, of duty, to discountenance the sin by collateral and indirect punishments: thus the old Romans confined their lupanaria to the outer part of the city; it was a summœnium, and their impure women had a name of disgrace, and a yellow veil was their cognizance: and so the Jews are used in some places: but thus we find that St. Paul and the apostles tolerated those christians, which, from among their own nation, gave up their names to Christ; who yet were polygamists, or, which was equivalent,—had married a second wife, their first being living and divorced: but although this could not well be avoided, lest they should be vexed into apostasy, and their Judaical hardness of heart was not yet intenerated sufficiently by the softer and sweeter sermons of the gospel; but yet to represent their dislike of such marriages, which they were forced to tolerate, they forbade such persons to be taken into their clergy, so punishing such persons by a privation of honour, whom they could not punish by a direct infliction of censures, or separation from their wives.

13. (7.) In all such tolerations of evil, the secular interest must be apparently separate and declared to stand far off from any thing of the religion; and the consciences permitted to stand or fall under them, who are to take care of them and answer for them; the permission by the civil power is not to rescue them from the ecclesiastical rod: for it being a matter of civil interest, is not to derive any countenance from religion, so much as accidentally: for no powers of man can forbid the servants of Christ to preach his law, to declare his will, and to get subjects to his kingdom, and to turn sinners from the error of their way: if they do, they must not be obeyed, but God must; and if they die for it, they are well enough.

14. But now against the doctrine of the rule many things may be objected; for there seem to be many things and great cases, for which the laws of the holy Jesus have made no provision. I instance in a very great one, that is, the whole state of war, and all the great cases and incidents of it. For since it is disputable whether christianity allows of war, and it is not disputable, but very certain, that it speaks nothing of it expressly, neither gives any cautions concerning it in particular, it will seem to be a "casus omissus" in the law. To this there may be many considerations offered.

Of the Measures of War by Christ's Laws.

15. (1.) If it be said that all war is unlawful, against the analogy and against many express lines of our religion; it is indeed a short way of answering this difficulty, but will involve the whole christian world in many more; but of this in the following numbers I shall give accounts.

16. (2.) If it be said, that christianity leaves that matter of war wholly to be conducted by the laws of nature and nations; we shall find, that this will entangle the whole inquiry, but we shall never come to any certainty. For if the christian law be, as I have proved, a perfect digest of the natural law; to say the affairs of war are to be conducted by the laws of nature, is not to put them from being determined by the christian law, because they are the same; and if, in the law of Christ, there be no rules of war, neither can there be any in nature. But besides this, if the laws of nature which concern war, be not set down in the gospel and writings of the New Testament, but that we be sent to look for them in the tables of our own hearts, in which some things are disordered by passion, and many more are written there by interest, and some by custom, and others by education, and amongst men these are the authors of contrary inscriptions; we shall find the law of nature a strange thing by that time we have drawn it from thence only, and looked over it to find some rules of war, whose whole being is very much against the excellent and perfective laws of nature.

17. (3.) If it be said, that war is to be conducted by the measures of peace, we speak what is impossible to be true; for "inter arma silent leges," not only because the sword is licentious and impudent, but because the cases of peace and war are wholly different.

18. (4.) If it be said that right reason must be the measures; I answer, that if right reason could be heard, possibly there would be no war at all: and since one part begins the war against reason, it is not likely that he, for any reason that can be urged, shall lose his advantage. But besides this, who shall be judge? whose reason shall rule? whose arguments shall prevail? and will he who is "minor in causa" be "minor in prælio," he who hath the worst at the dispute, yield also in the fight? and are not the "pugnacissimi," the fighting men, such as will hear and understand the least reason?

19. (5.) Some will have the law of nations to be the measure of war; and possibly it might, if there were a digest of them, and a compulsory to enforce them; but there being neither, they are uncertain what they are, and are admitted with variety and by accident, and they shall oblige strangers when the men are conquered; and subjects, by the will of the prince; that is, the measures of war shall be the edicts of any single general, and nothing else.

20. In the midst of these oppositions it will be hard to find something certain; but that which can most be relied upon, is this. That christian religion hath made no particular provisions for the conduct of war under a proper title, because it hath so com-

manded all the actions of men, hath so ordered the religion, so taken care that men shall be just, and do no wrong, hath given laws so perfect, rules so excellent, threatenings so severe, promises so glorious, that there can be nothing wanting towards the peace and felicity of mankind, but the wills of men. If men be subjects of Christ's law, they can never go to war with each other; but when they are out of the state of laws and peace, they fall into the state of war; which being contrary to peace, is also without all laws. So that the injurious person is not to inquire how to conduct his war, for he is gone beyond all law into a state of things, where laws are of no value: but for the injured person, he is just so to comport himself as he can; having one measure of action, and another of defence.

21. "For his defence:"—it is not to be measured by laws, but by privileges: that is, things being gone beyond the laws of nature, he is left to his natural powers and defences; and is to do this without any other limit, but that he defend himself and his relatives, and drive away the injury. That is, there being no law of God to forbid him to defend himself, he is at his liberty, which naturally every man hath: "Hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim, quâcunque ope possent, à corpore, à capite, à vitâ suâ propulsarent:"[r] "The learned are taught by reason, the barbarous nations by necessity, the civil by custom, the very beasts also by nature, to defend their head, their body, their life from all injury by all means." For God hath no where forbidden that a man shall be defended:

Armaque in armatos sumere jura sinunt; OVID.

we may put on armour to defend us against an armed malice: he hath indeed forbidden private revenges, because those are intrusted to the laws and public persons; but when a single person is injured, he can defend himself or crave the patronage of princes and the laws; but when public interests are violated, when kingdoms and communities of men and princes are injured, there is no law to defend them; and therefore it must be force: for force is the defensative of all laws; and when all laws are injured, there can be no way to reduce men to reason, but by making them feel the evils of unreasonableness. If this were not so, then all commonwealths were in a worse state of affairs than single persons: for princes are to defend each single person; and the laws are to secure them; but if the laws themselves be not defended, no single person can be; and if they could, much rather should all. Whatsoever is absolutely necessary, is certainly lawful; and since Christ hath no where forbidden kings to defend themselves and their people against violence, in this case, there is no law at all to be considered: since there is a right of nature, which no law of God hath restrained; and by that right all men are equal; and therefore, if they be not safe from injury, it is their own fault or their own unhappiness; they may, if they will, and if they can: and they have no measures in this, but that they take care they be defended, and quit from the danger and no more. The "jus naturæ," the rights and liberties, the equalities and privileges of nature, are the warrant of the defence, or rather there needs no warrant, where there is no law at all: but this right of nature is the measure of the defence, we may be defended as much as we need.

[r] Cic. pro Mil.

22. But then if it be inquired, what is the measure of actions which must be done in the conduct of the defence by the injured prince or republic, and how shall they be measured, if Christ in his laws hath made no provisions and described no rules? I answer, "that the measures of action in public are no other than the measures of the private;" the same rule of justice is to be between princes and between private persons: they also must do as they would be done to; they must keep covenants, perform their words, hurt no innocent person whom they can preserve, and yet preserve themselves; they must keep themselves within the limits of a just defence: and as in private contentions and repetitions of our right we must look after justice, but do nothing against charity, we must defend our rights, but do the adversary no wrong, and by no vexatious measures, secure our own interest, and destroy his just right, in an unnecessary conduct of our own; so it is with princes: he that is injured may drive away the injury, he may fight against invaders, he may divert the war, if it be necessary; but he may not destroy the innocent with the guilty, the peaceable countrymen with the fighting soldiers. And nothing can legitimate that but an absolute necessity, that is, it must not be done at all, when it can be understood, and when it can be avoided; and there is no direct action of war, but it is to be ruled by necessity, and justice, and charity; and in these there is no variety of the rule, and no change except what is made by the subject matter, which must be made to combine with the measures of justice and charity, by the instruments of reason, and customs, and public fame, and all the measures of wise and good men.

23. Wars are so to be managed, as private contentions are, and there are the same rules for both, that is, when they are equals; but if it be a war betwixt subject and superior, it is on the prince's part to be conducted as other acts of public justice. When a single executioner can punish offenders, that is enough; if one cannot, more must: for it is every man's interest, that the injurious should be punished; and he that can raise the country troops by law, to assist the executions of justice, may raise all the troops of his kingdom to do the same duty, when there is a greater necessity: but for the subjects who take up arms against their superior, there is no answer to be given by what measures they must conduct their arms, there is no measure at all for them but one, to lay them down, and never to take them up again. For it cannot be expected, that a wise and a holy lawgiver should give rules for the banditti to manage their violences, or the Circassians how to conduct their plunder and their robberies. Christ never gave any laws concerning

rebels, but obedience and repentance: and for just wars, that is, the defensive wars of princes, (for there is no other just, but what is defensive directly, or by a just equivalent,) Christ hath given no other laws, but the same by which single persons, in their contentions or differences, are to be conducted. And thus also St. John the Baptist gave the same measures to the soldiers, which contain every man's duty, "Do violence to no man, and be content with your wages." For war is but the contention of many: and as it is in social contracts, which are to be governed by the same justice as private merchandise, so it is in social contentions: for in this case, two and two thousand make no difference in the rule, but much in the circumstances of the matter.

24. Quest. But upon this instance it is seasonable to inquire, whether the precedents of the Old Testament be so imitable by them that go to war, that they can pass into a law, or if not, yet whether they are safe or no?

25. The question, though instanced in the matter of war, yet is of use in all affairs whatsoever, because there are divers portions of mankind, 1. who think every thing is imitable, which they find done in the Scriptures; and, 2. nothing safe or warrantable, that is not: these being their measures of right and wrong, have great influence into the questions of conscience, and therefore are to be established upon certain rules.

Of the Negative Measures of Examples in the Old Testament.

26. (1.) Therefore it is evident, that not every thing done in the Old Testament is a warrant for us. I instance in all the injustices and violences, rapines and open prevarications of natural rights, concerning which there needs no further disquisition; but we are to keep ourselves to the rule, that is, to God's measures, not to man's, "non quâ itur, sed quâ eundum;" and "we must not follow a multitude to do evil." "Argumentum pessimi, turba est. Quæramus, quid optime factum sit, non quid usitatissimum: et quid nos in possessione felicitatis æternæ constituat, non quid vulgo, veritatis pessimo interpreti, probatum sit:"[s] "The crowd is the worst argument in the world: let us inquire not what is the most usual, but what is most excellent:" let us look after those things, which may place us in the bosom of beatitude, not those which can tune with the common voices, which are the worst interpreters of truth in the whole world: and therefore that some persons were recorded in the Scriptures, is no hallowing of the fact, but serves other ends of the Spirit of God. But in this there is no question.

27. (2.) The actions of good men in Scriptures are not a competent warrant for our imitation, not only when they are reproved, but even when they are set down without censure. The reasons are plain: 1. Because all the stories of the Bible are not intended to be sermons; and "the word of God is useful for doctrine, for reproof, for exhortation, and for information;" not every comma, and period, for every one of these purposes,—for they are contrary; but in the whole there is enough to make "the man of God perfect and readily instructed to every good work," to every holy purpose. Therefore as we must not imitate the adultery and murder of David, which are expressly condemned, so neither may we dissemble madness, as he did at Gath, nor persuade another to tell a lie for us, as he did to Jonathan, that he should say he was gone to Bethlehem when he went but into the fields, and to pretend sacrifice when it was a very flight. 2. Because every man is a liar, and therefore unless himself walks regularly, he can be no rule to us. 3. Every servant of God was bound up by severe measures, and by his rule he was to take account of his own actions, and therefore so are we of his. 4. There were in the Old Testament greater latitudes of permission than there are to us: polygamy was permitted "for the hardness of their hearts," but it is severely forbidden to us; and though, without a censure, we find Jacob to be husband to two sisters at once, yet this cannot warrant us, who are conducted by a more excellent Spirit, taught by a more perfect institution, governed by a severer law, under the last and supreme lawgiver of mankind: *μείζονα ἐπιδείκνυσθαι δεῖ τὴν ἀρετὴν, ὅτι πολλὰ ἡ τοῦ πνεύματος χάρις ἐκκέχυται νῦν, καὶ μεγάλη τῆς τοῦ Χριστοῦ παρουσίας ἡ δωρεὰ*, said St. Chrysostom:[t] "we christians ought to show a greater virtue, and more eminent sanctity, because we have received abundance of the Spirit of God, and Christ's coming is a mighty gift;" and if we should derive our warranties from the examples of the Old Testament, it were all one as if, from the licenses of war, we should take pattern for our comportment in the days of peace and laws, or from children learn what were the measures of a man. 5. Because sometimes the actions of good men were in them innocent, because done before a law was given to them; but the symbolical actions by a supervening law afterwards became criminal. Thus, although the drunkenness of Noah is remarked without a black character, and plainly told without a censure, it cannot legitimate drunkenness in us, because he was not by any positive law bound from a free use of wine, directly by proper provision, but we are. 6. Because the actions of holy men in Scripture are complicated, and when they are propounded as examples, and the whole action described, there is something good and something bad, or something naturally good and something peculiar and personally good, which cannot pass into example. Thus, when St. Paul speaks of Gideon and Jephthah, Samson and David, Deborah and Baruch, who "through faith subdued kingdoms;" here their subduing kingdoms by invasion and hostility, is not propounded as imitable, but their faith only; and therefore let us follow their faith, but not their fighting, and carry the faith to heathen countries, but not arms. So, when the fact of Razis is propounded as glorious and great, when he killed himself to avoid Nicanor,[u] the whole action is not imitable, but only so much of it as was pious

[s] Seneca de Vitâ Beatâ, c. 2.

[t] De Virgin. [u] 2 Mac. 15.

and prudent; and the other is to be praised as being the choice of a lesser evil, or is to be left to its excuse, as being necessary and unavoidable.

28. (3.) The actions of men in the Old Testament, though attested and brought to effect by the providence of God, is no warrant for our practice, nor can they make an authentic precedent. I instance in the fact of Jeroboam, who rebelled against the house of Solomon; although God was the author of that change, and by his providence disposed of the event, yet Jeroboam had rules to have gone by, which if he had observed, God would, by other means, have brought his purposes to pass; and Jeroboam should not have become a prodigy, and a proverb of impiety. For a man is circumscribed in all his ways by the providence of God, just as he is in a ship: for although the man may walk freely upon the decks, or pass up and down in the little continent, yet he must be carried whither the ship bears him. A man hath nothing free but his will, and that indeed is guided by laws and reasons; but although by this he walks freely, yet the Divine providence is the ship, and God is the pilot, and the contingencies of the world are sometimes like the fierce winds, which carry the whole event of things whither God pleases. So that this event is no part of the measure of the will; that hath a motion of its own, which depends not upon events and rare contingencies, or the order of secret providence; and therefore this which could not commend his action, cannot warrant our imitation.

29. (4.) Actions done in the Old Testament, though by a command of God, do not warrant us, or become justifiable precedents, without such an express command as they had; if the command was special and personal, the obedience was just so limited, and could not pass beyond the person. Thus Jehu took up arms against the house of Ahab, by the command of God, who intended to punish him severely. But we may not lift up our hand against our prince, though he be wicked, unless God give us such an express commandment: for nothing is imitable, but what is good. But in this there was nothing good but the obedience; and therefore nothing can legitimate it but a commandment.

30. (5.) Actions of good men, if done upon a violent cause, or a great necessity, are not imitable, unless it be in an equal case, and a like necessity. "David, when he was hungry, went into the priests' house, and took the bread, which was only lawful for the priests to eat," and to this example Christ appeals; but it was in a like case, in a case of necessity and charity. He that does the same thing, must have the same reason, or he will not have the same innocence.

31. (6.) Examples, in matters of war, are ever the most dangerous precedents, not only because men are then most violent and unreasonable, but because the rules of war are least described; and the necessities are contingent and many, and the reason of the action depending upon heaps of circumstances (of which, peradventure, no notice is recorded) can less be understood; and after all this, because, most commonly, they are unreasonable and unmerciful. That David made the people of the Ammonites to pass under saws and harrows of iron, is not safely imitable by christian soldiers; because it had so much cruelty, which either must be criminal, or have an extraordinary legitimation, which, it is certain, christian princes cannot have, unless it be by a rare contingency, and a new revelation, to which they can never reasonably pretend. But that they may drive out an invading army, that they may kill them that resist, that they may by war defend the public rights, in which all the private are involved,—they may safely take for their warrant the example of Abraham fighting in behalf of the king of Sodom; the act of Melchisedec, in blessing God for the success of that battle; the wars of the judges, and of David: because these were just and necessary by special command, or necessary defence; faith was the great instrument, and God's blessing gave them prosperity; they were against no law, and the like cases God hath not since restrained, and therefore we, of ourselves, being left to the rights of our nature, and unconfined by the laws of God, proceed prudently, when we have the confidence of such great examples; against which the interest of no law is publicly, the interest of no virtue is secretly engaged.

32. (7.) When a law is changed, the examples which acted in proportion to that law, lose all manner of influence and causality, and cannot produce a just imitation. Among the Jews, it was lawful for a private person to transfix his brother or his father, if either of them tempted him to idolatry; and in a cause of God they might do public justice by a private hand. All the actions of their zealots, done in such instances, are no examples to christians; because when that priesthood was changed, the law was changed, and then the nature of the action passed from lawful to unlawful; and therefore could not be imitated. He that is to write Greek, must not transcribe it by the Hebrew alphabet; and when the copy is altered, the transcript must also receive variety and specific difference. Thus the disciples of our Lord would fain have done as Elias did; but Christ told them that he was not imitable in that, by telling them that the Spirit, which is the principal or great instrument of action, was wholly changed. It was not safe for them to do as Elias did, because they were to do as Christ commanded. Thus we find, in the Old Testament, King Solomon dedicating and consecrating of a temple; it was a new case, and he was an extraordinary person: and the christian church hath transcribed that copy so far as to dedicate and consecrate churches or temples to the service of God; but she does it by the ministry of bishops, who are amongst us the presidents of prayer, and have those special assistances and emanations of the Holy Spirit upon their order, which Solomon had in his own person, and much more; and therefore though the act is exemplar, yet it is not imitable as to the person officiating: because to do so is not properly the effect either of power or of office; but being to be done in the way of prayer, is by the reason of the thing itself; and the constitution of the church appropriate to the presidents of religion.

Of the Example of Christ.

33. (8.) In the New Testament, we have so many, so clear, so perfect rules, that we have no need of examples to instruct us, or to warrant our practices; but examples to encourage and to lead us on in the obedience of those rules. We have but one great example,—Jesus Christ;—who, living in perfect obedience to his Father, did also give us perfect instruction, how we should do so too in our proportion. But then how far Christ is imitable, and ought to be imitated by us, is best declared in this short rule.

34. In whatsoever he gave us a commandment, in that only we are bound to imitate him: but in whatsoever he propounded to us as excellent, and in whatsoever he did symbolically to it, in all that also we may imitate him.

35. This rule establishes the whole case of conscience in this affair. Because our blessed Saviour, being an extraordinary person, was to do some extraordinary things, in which either we cannot, or we ought not to imitate him. He fasted forty days; we cannot: he whipped the buyers and sellers out of the temple; we may not, without the authority of a public person:—he overthrew the tables of the merchants; but the young man in Portugal,[x] who, being transported with zeal and ignorance, beat the chalice and the sacrament out of the priest's hand, out of passion against his idolatrous service, (as he understood it,) had a sad event of his folly amongst men; and what reward of his zeal he found with God, is very uncertain. But whatsoever he taught to mankind, of that also he became a glorious example: but "by the sermons only we are instructed, by the example encouraged:"[y] for "admonetur omnis ætas fieri posse, quod aliquando factum est:" we see it possible to be done what Christ commanded us to do, and then did, that "we might follow his steps."—But his example, in these things, makes up no part of our rule, because it is perfect without them: here our rule is perfect, and so is our example; but because Christ did some things beyond our rule, and past our measures, and things of personal virtue and obligation, therefore we are to look upon Christ as imitable, just as his life was measured by the laws he gave us; where they are, even there we also must endeavour to be so. There is this only to be added: that in the prosecution of his obedience to his heavenly Father, he sometimes did actions "in gradu heroico," of great excellency; which although they are highly imitable, yet they pass no obligation upon us, but that we endeavour to tread in his steps, and to climb up to his degrees, and to desire his perfections. That these pass upon us no other obligation, appears, because they are sometimes impossible to be attained to; and they are the highest and the best, and therefore are not a direct matter of duty, which belongs to all, to the highest and to the lowest. But that these do pass upon us an obligation to endeavour to attain them, and of labour towards them in our circumstances, appears in the greatest instance of all, the highest obedience, even that which was unto death; for "therefore Christ hath suffered for us, leaving an example to us, that we might follow his steps:"[z] that is, when he had given his church precepts, and propounded to them rewards of suffering, he also was pleased to give us the greatest example as a commentary upon his own text; declaring that the commandment did extend to the greatest instance; and that we should do as he did, "obediens factus usque ad mortem," "he was obedient even unto death;" and so must we, when God requires it in particular. And that this is our duty, and that the obligation reaches thus far, is certain upon the interest of love; for we must love him, who is our Lord and our God; we must love him with all our heart and with all our powers; and therefore endeavour to be like him: ἡ δὲ σύμφωνος τῷ νόμῳ τιμὴ, ἡ τῆς οὐσίας τῶν τιμωμένων γνῶσις, καὶ ἡ πρὸς αὐτὴν κατὰ δύναμιν ἐξομοίωσις. Ὁ γὰρ ἀγαπᾶ τις, καὶ μιμεῖται, ὅσον οἷόν τε· ὡς γὰρ φάσιν οἱ Πυθαγόρειοι, τιμήσεις τὸν θεὸν ἄριστα, ἐὰν τῷ θεῷ τὴν διάνοιαν ὁμοιώσῃς.[a] The greatest honour we can do to God and God's law, is to understand God, and to become like to him. For every one imitates that which he loves. "Religiosissimus cultus est imitari," said Lactantius; "that is an excellent instance of the Divine worship, to endeavour to become like to the holy Jesus."

36. (9.) But this is to be reduced to practice, so as that, 1. The duty be certainly imitated; and, 2. The degree of duty aimed at; 3. And the instance be chosen with prudence and liberty. Thus when we find, that Christ did spend whole nights in prayer, the duty here recommended is earnestness and diligence in prayer. In this we must imitate our blessed Lord; because his rule and his example make τὴν καλὴν συνωρίδα, "an excellent confederation" and society. But then to do it with that vehemence and earnestness, that degree of diligence, is a rare perfection, which we can only tend to in this life, but we must do what moral diligence we can: and, as for the instance and particularities of duty and devotion, we are yet at greater liberty; for we are not obliged to pernoctation in prayer, so we pray earnestly and assiduously, which is the duty,—and endeavour to do it like Christ, which is the passion of the duty, and the degree of love, and the way of perfection; but that it be in the night, or in the day, is but the circumstance of the duty; nothing of the nature, nothing directly of the advantage of it; and is to be wholly conducted by prudence and consideration of accidents.

37. (10.) After all this, as Christ must be imitated in all matter of duty, and is imitable in degrees of duty, and that for the circumstances of it we are wholly at liberty,—so also it is in matters of his own ordinance and institution, in which the religion is to be obeyed; the design is to be observed and promoted, the essentials of the observation to be infallibly retained; but in the incidences and collateral adherences which are nothing to the nature of the rite, nor at all appertain to the religion, there is no obligation, no advantage, no love, no duty, in imitating the practice of our blessed

[x] Fox, Martyrol. [y] St. Cyprian. [z] 1 Pet. ii. 21. [a] Hierocl. in Carm. Aur.

Saviour. Thus to celebrate the blessed sacrament of the Lord's supper with bread and wine, to do it in remembrance of his death, to do it as he commanded, in obedience to him, to receive it "à præsidentium manu," "from the hands of the presidents of religion,"—is matter of duty, and matter of love, and matter of obedience; but to suppose we are bound so to imitate the actions and circumstances of the actions of Christ, as that it is duty or necessity that we take it in unleavened bread, to mingle water with wine, to receive it in wines of Judea, to receive it lying or leaning on a bed, to take it after supper, is so far from being matter of love or duty, and a commendable imitation of Christ, that it is mimical and theatrical, trifling and superstitious, a snare to consciences, and a contempt of religion; it is a worshipping of God with circumstances instead of forms, and forms instead of substances; it is like burning mushrooms upon the altar, and a converting dreams into a mystery; it is flattery, not love, when we follow our Lord in those things, in which he neither gave command, nor did any thing of religion or excellence, that is, in which he neither propounded himself imitable, nor to be obeyed. For what worthiness was there in it, that Christ did eat this supper at supper time; or that when he did institute this, he was at his other supper, and did as the fashion of the country was at his supper? What religion was there in it, that he drank the wine of his own country? and what ceremony or mystery was it, if, according to the usages of sober persons, he put water into his wine for his ordinary beverage? and how could these become matters of religion or imitation, when they were only the incidences and investitures of the ordinary actions of life and conversation? and, in these things, the interest of religion is conducted competently by common reason. He that follows the vices of his prince, does like the man that worshipped Mercury by throwing stones at him; and he serves him with a mischief, and to please his vicious prince, thrusts him forward to eternal ruin. But he that, to humour him, carries his neck aside, or shrugs his shoulders in the same manner, or holds his knife at dinner by his pattern, is a flatterer; but he only loves his prince, and is a worthy servant, who fights bravely if his prince be valiant, and loves worthy things by his example, and obeys his laws, and celebrates his fame, and promotes his interest, and does those things in imitation, for which his lord is excellent and illustrious in all the world.

38. But because against a rule no example is a competent warrant; and if the example be according to the rule, it is not the example, but the rule, that is the measure of our action; therefore it is fit to inquire, of what use it can be to look after the examples either of the Old or New Testament; and, if it be at all, since the former measures are not safe, to inquire which are. In which inquiries we are not to consider concerning examples, whose practices are warranted by rules; for in them as there is no scruple, so neither is there any usefulness, save only that they put the rule into activity, and ferment the spirit of a man; and are to the lives of men, as exhortation is to doctrine; they thrust him forward to action, whose understanding and conscience was pre-engaged.

Of the Use of Examples in the Old and New Testament.

39. But then if it be inquired,—What use examples are of beyond the collateral encouragement to action, and which are safe to be followed?—I answer:

40. (1.) That in cases extraordinary, where there is no rule, or none that is direct or applicable with certain proportions to the present case, then we are to look for example, and they are, next to the rule, the best measures to walk by. But this is of no use in any matter, where God hath given a law; but may serve the ends of human inquiry in matters of decency and personal proportions, when men are permitted to themselves and their intercourse with others. For the measures of human actions are either the τὸ ἅγιον καὶ τὸ δίκαιον, "that which is holy and that which is just;" and of this our blessed Lord hath given full rules and measures; or else the measure is, τὸ καλὸν καὶ τὸ πρέπον, "that which is worthy and becoming such a person:" and because laws do not ever descend to such minutes, the practices and examples of imitable and exemplary persons is the auxiliary of laws. But this is coincident to that of fame and reputation; thus if it be inquired, in the days of persecution, whether it be fit to fly or to abide the worst,—although we are, by all general rules, unlimited and unconstrained, and so the question of lawful or unlawful will cease, yet because it may be a question of the τὸ πρέπον, we may look about and see, what such men as we are and ought to be, have done: "Shall such a man as I fly?" said the brave Eleazar: he did not, and so made up the rule by becoming a worthy precedent.

41. (2.) In complicated questions, when liberty and necessity are mingled together, rule and example together make the measures. Thus if it be inquired, how we are to comport ourselves towards our king, and what are the measures of our duty towards a tyrant or a violent injurious prince: the rule is plain, "we must not strike princes for justice;" and we must not hurt the Lord's anointed, nor revile the ruler of the people; but if we inquire further concerning the extension of a just defence, the example of David is of great use to us, who not only comported himself by the laws of God and natural essential reason, but his heart smote him for that he had cut off the lap of Saul's garment; and, by his example, kept us so far within the moderation of necessary defence, that he allowed not any exorbitancy beyond it, though it was harmless and without mischief.

42. (3.) In the use of privileges, favours, and dispensations, where it is evident that there is no rule, because the particular is untied from the ligatures of the law; it is of great concernment, that we take in the limits of the best examples. And in this we have the precedent of our blessed Saviour to be our guide: for when, in the question of gabels or tribute-money, he had made it appear, that him-

self was, by peculiar privilege and personal right, free; yet that he might not do any thing, which men would give an ill name to, he would not make use of his right, but of his reason, and rather do himself an injury, than an offence to others. This is of great use in all the like inquiries; because it gave probation, that it is better to depart from our right, than from our charity; and that privileges are then best made use of, when they are used to edification.

43. (4.) In all matters of doubt, when the case seems equal to the conscience on either hand, so that the conscience cannot determine,—there the examples of wise and good men are of great use to cast the balance, and to determine the actions: for to an equal scale every grain, that is added, will be sufficient to make the determination. If it be disputed, whether it be lawful to rely upon the memory of our good works, and make them as an argument of confidence in God; and the rules of conduct seem antinomies, and when we think God's goodness and justice is warrant for the affirmative, and yet the rules and precepts of humility bear us to the negative; between these two, if they stand on equal terms, the example of Hezekiah is sufficient to make the determination.

44. (5.) The greatest use of examples is in the interpretation of laws: when the letter is equivocal, and the sense secret, or the degrees of action not determined; then the practice of good men is the best external measure we can take; for they are like "sententiæ judicatæ" in the law: the sentences of judges and the precedents in the like cases, by which the wisest men do often make their determinations. Thus the example of David in dividing the spoil between them that fought and them that guarded the stuff, as being a sentence in a question of equity, became a precedent in the armies of Israel for ever after.

45. These are the uses we may make of examples in Holy Scriptures, and ecclesiastic writers; which uses are helps to our weakness, but no arguments of the imperfection of Christ's law; for all these uses are such, which suppose us unable to make use of our rule, as in the case of a doubting conscience,—or not to understand it, as in case of interpretation;—or else are concerning such things, which are not direct matter of duty, but come in by way of collateral obligation; as in matter of decency and personal proportions: for which, although examples may apply them, yet the laws of Christ have given us the general measures.

46. But then, since there is this use to be made of them, and the actions of men in Scripture are, upon so many accounts, as I before reckoned, inimitable and unfit precedents: the next inquiry is, What are the positive measures, by which we may know what examples are imitable and fit to be proceeded in?

The positive Measures of Example, and which may be safely followed?

47. (1.) In this, the answer hath but little difficulty, not only because of the cautions already given in the negative measures, but because the inquiry is after examples in cases where the rule is not clear and evident, not understood, or not relied upon: and they being in some sense used only in the destitution of a rule, may, with the less scruple, be followed, because if there be no rule clear enough to guide the action, neither will there be any to reprove the example: therefore that which remains, is this:—

48. (2.) That example is safe, whose action is warranted by God's blessing. Thus the piety of the Egyptian midwives was imitable, in that they refused to kill the Lord's people at the command of Pharaoh; for it is said, "Therefore God did build them houses;" it was mingled with an officious lie, but that was but accidental to their action, and no part of its constitution, and therefore not relative to the reward: but whatsoever God says he rewards with a blessing, that, in equal circumstances, may be safely imitated. I do not say whatsoever is blessed or is prosperous, is imitable; for it may be prosperous, and yet unblessed in one regard, and accursed in another; or successful to-day, and blasted to-morrow; or splendid in this world, and damned in the next; or permitted for the trial of God's servants, or the extinction of their sins; or the very thriving of it may be the biggest curse, and nurse up the sin into its monstrous ugliness, and is no other but like the tumour of an ulcer; it swells indeed, and grows very great, but it is a sore all the way, and is a contradiction to prosperity; and sin never "thrives," unless it be in the most catachrestical and improper way of speaking in the world: but I say, when it is said, or plainly enough signified in Scripture, that God did bless the man for so doing; that for which he was blessed, that I say is only imitable. And on the other side, though an action be described in story without its mark of good or bad, it is a great condemnation of the action, if the event was intolerable, and the proper production was a mischief: and thus was the drunkenness of Lot condemned,—because incest was the product;—and of Noah,—because shame and slavery were the two daughters of it.

49. (3.) Because in these examples, for which there is no perfect rule, the concernment is not a direct, but a collateral duty, not matter of direct obedience, but fame and reputation, that "things honest in the sight of all men be provided;" therefore such examples only are to be followed, which "are of good report." A man shall not be called a just person, if he invades his neighbour's rights, and carries war to dispossess a people that live in peace, upon pretence because we find in Scripture that Nimrod did so, because he was an infamous person: but when Joshua kept the Gibeonites alive, because, though he was deceived by them, yet he swore to them, and yet did make them to be slaves to his people; he is very imitable both in one part and in the other; and we may not break our words upon pretence we were deceived, but yet we may do all that we can justly do for the interest of our relatives: and all this can well depend upon the example of Joshua, because his fame is entire

and illustrious, he is accounted a good and a brave man.

50. (4.) We must be careful to distinguish the examples of things lawful, from the examples of things good and just: and always imitate these, but with caution follow those; not only because what was lawful in the Old Testament is not always so in the New;—but that what is lawful at all times, at some times is not fit to be done. But then, let every example be fitted to the question. If the inquiry be, whether this action be holy or no,—an example that declares it lawful, does not answer that question; but if it be asked, whether it be lawful,—the example, proving it to be holy, does conclude the other more strongly.

51. (5.) When evident signs of piety, like veins of silver in the grosser earth, are mingled with the example, it adds many degrees of warranty to the determination. Thus our blessed Saviour, in his apology made for his disciples, appealed to the example of David eating the bread of proposition; it was, indeed, an argument to them depending upon the fame of the patriarch; but yet our blessed Saviour knew there was in it great charity, and lines of piety to his hungry followers, when David neglected a ceremony, that he might do a charity and relieve a necessity, and therefore Christ did it, not because David did it, but because he might. David's action was not Christ's warrant, but the piety of the thing was warrant to them both. And, indeed, this is the right use of examples: by the advantage of the man's fame they may reprove an adversary, but by the great lines of piety mingled with the body of the action, they may become a precedent for our imitation.

I have now given accounts concerning that principle (mentioned Num. 25.) which affirms every thing to be imitable, if done and described in the Scripture, unless it be signally forbidden. Concerning the other—That nothing is safe or warrantable that is not,—I reserve it for its proper place.

CHAPTER III.

OF THE INTERPRETATION AND OBLIGATION OF THE LAWS OF JESUS CHRIST.

RULE I.

In negative Precepts the Affirmatives are commanded; and in the affirmative Commandments, the Negatives are included.

1. NOT he that gives the law only, but he who authoritatively expounds the law, becomes to us a lawgiver; and all who believe in God and in Jesus Christ, confess themselves subjects of the christian laws; but all do not obey alike, who confess themselves equally bound, and are equally desirous to obey: because men, by new or false or imperfect interpretation of laws, become a law unto themselves or others, giving them measures which our blessed Lord never intended; and yet an error in these things is far more dangerous than in a thousand others, in which men make great noises. I shall therefore endeavour to describe plain and rational measures of interpretation, that we may walk securely.

2. It is observable, that in the decalogue, and so in the whole law of Moses, there are more negative precepts than affirmative. The Jewish doctors say, that there are six hundred and thirteen precepts given by Moses, according to the number of letters in the decalogue, which are six hundred and thirteen. But of these, two hundred and forty-eight are affirmative, according to the number of the joints of a man's body: but three hundred and sixty-five are negative, according to the number of the days of the year: but to omit these impertinent and airy observations of the Jews, it ministers some useful and material considerations, that in the decalogue, all the moral precepts, one only excepted, are negative (for that of the sabbath is the "caput ceremoniarum"); but that of obedience to our superiors is only positive and affirmative. The reasons were these, by which also we can understand the usefulness of the observation.

3. (1.) Because this, being the first great reformation of the world, was to proceed by the measures of nature; from imperfection to growth; from the beginnings of religion to its greater excellencies: but in nature, the first step of our progression is to abstain from evil;—

> Virtus est vitium fugere, et sapientia prima,
> Stultitiâ caruisse.——— HOR.

and therefore the face of the commandment was covered with the robe of discipline, and God would so secure their services, that they should not displease nor anger him; but the excellencies of holiness, by which he was to be endeared to mankind, were especially the glories of Christ, not the horns of Moses, the perfections of evangelical sanctity, not of the beginnings of the law.

4. (2.) The great sanction of the law was fear of punishment; and therefore God chose to represent his law to them in negatives, that according to the endearment, so might be the obedience. Now to abstain from evil is the proper effect of fear, but to do good for fear of punishment, is as improper as to threaten a man into love. Fear is the bridle

of servants and boys; love is the spur of brave and good men.

"Non furtum feci, nec fugi," si mihi dicat
Servus, "habes pretium, loris non ureris," aio:
"Non hominem occidi;"—"non pasces in cruce corvos."
HORACE.

That is the dialogue of masters and servants: If you be a thief, you shall be condemned to the mill; if you be a murderer, you shall be broken upon the wheel: but if you abstain from such crimes, your reward shall be, you shall escape the furca.—Since, therefore, the spirit of the law was the spirit of fear and of bondage, God did transact his covenant with them in negative measures.

5. (3.) The law of Moses was a pursuance of the covenant of works; and since it had in it very little beside the umbrages of the χρηστὸς ζύγος, "the sweet yoke" of the gospel, it did stipulate for exact measures: but therefore the precepts were negative, that the obedience might be the more possible, and the injunction the nearer to paternal: for it is much more possible to abstain from sins of commission than from sins of omission: so that,

Optimus est qui minimis urgetur, HORACE.

is the best measure of obedience to the Mosaic law: "he is the good man, who cannot be accused to have done what the law forbids; he who hath done the fewest evils, not he who does the most good:" and thus also the pharisees understood their duty: and they were not reproved by our blessed Lord, for understanding the negative precepts by the rules of abstinence and a negative duty; but because they understood their negative duty only by the measures of the letter, not of the intention and spirit of the law: and, 2. because when they had been, by the commentaries of the prophets and other holy men, instructed in some evangelical measures, and more perfect intendments secretly at first designed by God, and so expounded by the prophets by way of evangelical preparation, yet they would still adhere to the old and first understandings of the law: because they loved some sins which, as they had known, were forbidden by those negative precepts, if they would have opened their hearts to understand them as they should.

6. (4.) That the fifth commandment is affirmative in the midst of all the commandments that are negative, hath a peculiar reason, but nothing against the former discourse: for it being a sanction of obedience to our superiors under God, is to be expressed in actions and external significations; not only because these only can do benefit, service, and advantages to our parents and princes, but because of nothing else can they be judges. Men take no cognizance of thoughts and secret purposes, but of outward significations; and therefore the precept was to be affirmative, that is, preceptive of outward actions. 2. There is in children toward their parents so much natural love, and so much fear, and they are so long under their power and the needs of minority, that it will very rarely happen, that children can despise their parents or curse them: their own interest, and their own passions, and their own affairs, will secure the negative measures of that commandment; and therefore the world was in this instance disposed to receive greater degrees of injunction and a higher commandment: nature in this instance doing the same office for them as the whole law did in the other; that is, it was παιδαγωγὸς, "a schoolmaster," to bring them to Christ: and if they had been as much disposed for the entertainment of the rare and excellent affirmative commandments of Christ in the matter of chastity, and charity, and meekness, and humility, as in the matter of duty to their parents, there would have been less need of the interposition and interval of the law of Moses before the coming of Christ.

7. And these observations are verified by the ἀντιστροφὴ, or "corresponding part:" for the precepts of Christ are positive and affirmative, as appears in his sermon on the mount, which is the summary of his law;—in which when he expounded the negative commands of Moses, he still superadded an affirmative of his own: so that it will be nothing but matter of speculation to discourse, whether or no, in the law of Moses, the affirmatives were included in the negatives; it is certain the Pharisees did not understand them so; and they are not always involved in the nature of each other, and the promises of the law were not sufficient to encourage the ἀγαθοεργία, "the doing of good works," though the fear was enough to restrain the evil: but that which concerns the conscience, is that which now is evident and palpable. In the laws of Jesus Christ, the negative and affirmative are but correlatives, "opposita relativa," and do infer each other. Thus we find it expressed[a] often, "Whoso looketh on a woman to lust, hath committed adultery:" that was our blessed Lord's commentary on the sixth commandment, which was negative; but he adds,[b] "If thy right eye offend thee, pluck it out."—So again. "Resist not evil;" that is the negative precept; but Christ adds, "If any man sues thee at the law and takes thy coat, let him have thy cloak also."—So in the matter of oaths, Christ said, "Swear not at all:" for he still added a more severe negative to the negative of the law; but then he adds his own affirmative: "Let your communication be yea, yea, nay, nay;" that is, let it be plain and simple, meek and positive, easy and ingenuous.

8. Thus our blessed Lord did in his recitation and exposition of the moral commandments delivered by Moses; in the interpretation and enlargement of which, although it was proper to declare a negative by a negative, yet he would follow his own method and design, and superadd his own affirmative; and when he was doing the office of a lawgiver rather than of a prophet and expounder of the old law, there his words were positive and affirmative. Witness the eight beatitudes; the precepts of charity and humility, of giving and forgiving, of fasting and prayer, and many others: but because in the doing all this, he made large discourses, and gave laws and exhortations, precepts and reasons, promises and threatenings, in complication and mutual consequences; therefore we are, without further inquiry,

[a] Matt. v. 28, 29. [b] Ver. 39, 40.

sufficiently instructed, that our duty is now intended to be complete; and as we must abstain from all evil, so we must do all the good we can.

9. But this is to be understood with its proper caution. For we say in logic, "ad negationem non semper sequitur affirmatio oppositi:" "every negative does not presently infer every contrary affirmative," as a matter of duty. It follows well, "Thou shalt not forswear thyself, but thou shalt pay to the Lord thy vows," but it does not follow, that therefore thou shalt make vows. So in these also there is no consequence of obligation. Thou shalt not take from thy neighbour what is his; therefore thou shalt give to thy neighbour:—thou must take from none; therefore thou must give to all:—thou must not give false testimony; therefore thou must tell all the truth thou knowest:—thou mayest not give wrong judgment, therefore thou must give right;—for it may so happen that you need not give any at all. These instances point out to us the measures of affirmatives, which follow from the contrary negations. Thus:

10. (1.) Affirmative duty follows from the negative; not in contraries, but in contradictories. To make a vow and break a vow are contraries; and therefore, it follows not, because I must not break a vow, therefore I must make one: but to break a vow and not to break it are contradictories, and therefore if one be forbidden, the other is commanded; and if the commandment be expressed in negatives, "Thou shalt not break thy vows," the affirmative is in the bosom of it, therefore thou shalt keep them: because, unless this part of the contradiction be done, the other is, and therefore it is not enough, that we do nothing expressly against the instance of the vow; but we must also understand ourselves obliged to the performance of it, according to the first intention. The reason of this is, because between two contraries there can be a third thing of a disparate nature; not at all included or concluded by either part, either by inference or by opposition.

11. (2.) From a negative an affirmative is not always inferred, in a particular instance. We must not be uncharitable in any instance; but it follows not, that by virtue of this commandment, therefore we must be charitable, or do our alms in every instance: for every man is not bound to redeem captives, or to visit prisoners: the reason is, because uncharitableness and visiting prisoners are not opposed in their whole matter and nature; but the commandment which is contrary to uncharitableness, can be obeyed according to all its intention, although it be not instanced in that particular. But this is to be added; that when, by accidents and circumstances, and the efficacy of some other commandment, we are called upon to this instance; then that this be done, is by virtue even of the negative, by the prohibition of uncharitableness,—because when we are determined to an instance, the sanction of the whole commandment is incumbent on it, and will not be satisfied without it; but in other cases it is indifferent, and is obeyed by any instance that is fitted to our circumstances and to our powers. It is like a man's stomach, which, of itself, is indifferent to any good meat, but when, by a particular κράσις or accident, it requires this and nothing else, it must either have this or it will fast. So are affirmative laws; though they oblige to every instance, and are indifferent to any that we can and may, yet sometimes we are determined to this and no other, and then the whole force of the law is upon it. But else, ordinarily it is true, that the universal negative infers only the indefinite affirmative, not the particular: the universal is only inferred by the consequence, the particular by accidents and circumstances.

12. (3.) From a negative law the affirmative is inferred, but not in the same degree of duty and necessity. It is not so great a sin, if we neglect an act of charity, or an opportunity of doing glory to God, as if we do an act of uncharitableness, or positively dishonour God. The reason is, because sins of omission are less than sins of commission, because negligence is not so bad as malice,—and of omission, sometimes, there is no evil cause, but a mere negative or unavoidable inadvertency; but of a sin of commission, the cause is always positive, and therefore always intolerable.

13. (4.) The affirmative which is inferred by the negative law of Christ, is not absolute and unlimited like the negative, but modificated and limited by its proper and extrinsic measures. We must, in no case and for no regard, hinder our innocent neighbour from doing his necessary work; but it does not follow, that therefore we must always set his work forward, and lend him oxen to plough his land: for it is in no case lawful to do evil, but in many cases it is lawful not to do good: that is, there is something more required to specificate a positive act besides the consequence of a negative law. For although the body of an action is there commanded, yet because the body of the action must be invested with circumstances, they also must have their proper causes, or they cannot have a direct necessity. "Never turn thy face from any poor man," is a negative precept; to which the affirmative of Christ doth rightly correspond, "Give to every one that asks." Now, although the negative is universally to be observed in its own just sense, "Ut ne aversemur à paupere;"—that is, that we deny not to be charitable to him;—yet, when this comes to be specificated by positive actions, the commandment is not the only measure; but some conditions are required of him that is to receive; and some of him that is to give:—for to him that will not work, when he can, we are not to give; and he that needs it for himself, is not obliged to part with it to his brother; supposing their needs are equal or not extreme. To this purpose is that known rule, that "negative precepts oblige always, and to an actual obedience in all times:" but "affirmative, although they always oblige, yet they can be obeyed but in their own season." So that, although every negative precept is infinite and hath no limit, yet the affirmative have extrinsic measures and positions of their own, something to make them laws to me and you, though the consequence of the negative is sufficient to make them to be laws to all mankind. So that, although negative precepts may be the mother

of affirmatives, yet the child is but a dwarf, and not like the mother; and besides that, it is exposed to be nursed by chance and by circumstances, by strangers and all the measures of contingency.

14. (5.) When affirmatives are included in, and inferred from, the negatives, the proportion of them is not positive but comparative. Thus when our blessed Lord had given commandment, "Resist not evil," that is, we should not do evil for evil,—the affirmative, which is properly consequent from this, is, "Do good for evil:" and this is obliging according to the former measures: but when you inquire further into the proportions, and ask after the instances, which our blessed Saviour made, we shall find that their obligation is not positive but comparative: "If a man strike thee on thy cheek, turn the other also;"—that is, rather than revenge thyself for one injury, receive another: and rather than vex him who forces thee to go a mile, go with him two miles: not that Christ intends thou shouldst offer to do thyself a shrewd turn, or invite another; nor that thou shouldst suffer it, if thou canst fairly avoid it; but that thou shouldst choose rather to suffer two evils, than do one. But this is especially to be reduced to practice in matters of counsel rather than precept; that is, when the affirmative inferred from the negative is matter of perfection rather than positive necessity, then the comparative proportion is a duty; but the absolute proportion and measure is but counsel. To oblige an enemy, and to do him acts of favour and benefit, is an excellency of charity, for which christians shall receive a glorious reward: but this is a counsel of perfection, which if, upon probable reasons and fairly inducing circumstances, it be omitted, a man shall give no answer for: but when the case is so, that it must be that I must either take revenge of him, or else rescue him from that revenge by an act of kindness, by a labour of love, or an expense of charity, then this becomes a duty; for in comparative measures every affirmative is at least obligatory: that is, we must rather be at any trouble, or expense, to do an affirmative, than prevaricate a negative commandment.

15. But then as to the other part of the rule, that "in the affirmative commandment the negative is included," there is no other difficulty but this,—that caution be had, that the negative be opposed to the affirmative in relation to the same subject: for because we are bound to love our friends, therefore we must not hate them; but it follows not (as the Pharisees did falsely comment on this text) because we must love our friends, therefore we must hate our enemies; for these two are not opposed as affirmative and negative in the same subject, but as two affirmatives relating to subjects that are divers.

16. But this is sometimes not to be understood of the precise commandment itself, but of the appendages; I mean the promises and threatenings: for though it follows, we must do good to our neighbour; therefore we must do no evil to him: yet it does not follow, "Do this and live; therefore if ye do not do it, ye shall die:" the reason of that is this, because there are some things encouraged with excellent rewards, the negatives of which are permitted to us with impunity: thus it is said by our blessed Saviour, "When thou makest a feast, invite the poor, and thou shalt have recompence in heaven;" but then if we do not invite the poor, it does not follow that we shall be punished in hell; but we shall not have that recompence which the hospitable man shall have: so that to invite the poor is an affirmative precept; but in this the negative is not included; "Thou shalt not invite the rich," or if thou doest, thou shalt be punished: but that "it is not so excellent a thing, it is not so encouraged by the proposition of an eternal reward;" but expires in a temporal interest: so that the negative included relates to the reward, not to the precept, and means this only: if thou dost not invite the poor, thou shalt not have any reward in heaven for feasting and making entertainments. But the sign of this is, 1. when the precept is only in the particular instance of a general commandment; as this of inviting the poor is of alms or charity: or else, 2. when it is matter of counsel and not of express precept: then the negative is not directly included in the preceptive words, but in the reward that is appendant.

17. Lastly, when it is said that in the affirmative precepts the negatives are included; the word "negative" is to be understood in the moral sense; that is, so as to include the privatives also: thus when we are commanded to love our brother, it is not only forbidden to us to hate him; but we are also commanded not to omit to express our love by symbolical actions: for not only contrarieties and repugnancies to the duty of the commandment, but even omissions also, are forbidden; and this is highly to be regarded in the matters of charity; which toward enemies we use to estimate by our not cursing him, our not hurting him, our not being revenged on him: these indeed are proper instances of the negative included; but the privatives also are to be considered; for not loving him is hating him; our refusing to do him kindness, our not praying for him, our unaptness to do him good offices, our remembering and reporting his injustice, our refusing to converse with him and denying him the comforts of our society, when, without danger or injury to ourselves, we may converse; is a prevaricating the negative or privative measures of the commandment.

RULE II.

When a Negative and an Affirmative seem opposite in any Sense, the Affirmative is to be expounded by the Negative, not the Negative by the Affirmative.

1. Thus are those various expressions of our blessed Saviour to be considered and understood, "Unless ye eat the flesh of the Son of man, and drink his blood, ye have no life in you:" and yet our blessed Lord says, "He that eateth the flesh of the Son of man, hath life abiding in him." Now to them who suppose these words to relate to the sacramental manducation, the question is, whether

or no it be necessary to drink the blood in specie, as well as to eat the flesh? because of the exclusive negative requiring both under the forfeiture of eternal life; or shall it suffice to receive the flesh only, because life is promised to be in him who eats the flesh, in that place no mention being made of drinking the blood?

2. To this the answer is made by this rule; the negative cannot be lessened by the affirmative, because a negative can have no degrees, as an affirmative can; and if the affirmative were in this case sufficient, when the negative is express to require more, then the affirmative were directly contrary to the negative; but on the other side, though the affirmative requires less than the negative, there is no contradiction. 1. Because, in matters of duty, whatsoever is any where required, is every where supposed; and no interpretation can lessen it from what it is in its whole integrity. 2. Because all our duty is not every where repeated, but the not repeating it in any place cannot annul the obligation in that place where it is expressly required. 3. Because a threatening in all laws is of more force and efficacy than a promise; and therefore when under a threatening more is required, the promise that is affixed to a part of it, must be understood by the analogy and promise to that threatening, because one thing is enough to destroy us, but one thing is not enough to preserve us: "Bonum ex integrâ causâ, malum ex quâlibet particulari." 4. Because it is ordinary in Scripture to give the promise to every part of duty, which yet shall never be paid to that alone; thus to purity, to poverty of spirit, to mercy, to faith, to alms, to patience, to hope, the promises of blessedness are given; but although it is said, "the pure in heart shall see God;" and "the poor in spirit shall have the kingdom;" and "they that quit houses and lands for Christ's sake, shall receive the reward of the other world;" yet unless all that is required be put together in the duty, nothing of the reward shall be given to the person. Every part of an exclusive negative is an indispensable duty; but every affirmative that is encouraged by a promise, does not contain a whole duty, but a part of duty, which, by being symbolical to the whole, is encouraged as every other part is, but is not paid but in an entire payment, to an entire obedience.

3. This also is true, when in the affirmative more is put than in the negative; for even then the negative is the strict measure of the commandment, and the limit of its absolute necessity and exaction. "He that believeth and is baptized, shall be saved, but he that believeth not, shall be damned." [c] Here the negative is the utmost limit; the "necesse esse" is described in that; the "bene esse," and the ordinary expectation in the other: by which we are thus to understand this and such other expressions, that the negative contains the indispensable duty, and supposes an obligation that nothing can excuse in persons capable; but the affirmative that supposes more, is yet for that which is over and above content with a less necessity, and admits of easier dispensation: for it containing all that is expected, is like a "summum jus," which though by the method of laws it is often expressed, that obedience may be invited as forward as it can, yet the ἐπιείκεια, or the abatement, is in the negative; that is the lowest, and therefore it is bound up with the penalty. For to the highest duty the reward is promised, and it is more than enough to pay it, but the punishment is threatened by lower measures: God abates much before he smites; and though he will reward every good we do, yet every good that is omitted is not punished with death. But this is to be understood, when the good is of that nature, that it may be omitted upon a probable cause, or without malice; or without the direct prevarication of an express commandment. For many good things are wholly put to us upon the account of hope and promises, and not of commandments and obedience: though in these also God makes what abatements he please: but we are to make none at all.

[c] Mark xvi.

RULE III.

In the affirmative and negative Precepts of Christ, not only what is in the Words of the Commandment, but whatsoever is symbolical or alike, is equally forbidden or commanded.

1. WHEN St. Paul had enumerated the works of the flesh, and had put into the catalogue most of those crimes, which are commonly named in laws and fame, and the manners of men; he adds,[d] καὶ τὰ ὅμοια τούτοις, "and those things which are like to these." For, 1. there are some things which are too bad to name, such were the impurities of the "Tribades," "Fellatrices," "Drauci," "Pathici," "Pædicatores," of which the apostle says, "it is a shame even to name such things as are done of them in secret:" πάθη ἀτιμίας, that is the general word which the apostle uses for them all, "dishonourable lusts." Now when all unnatural lusts are forbidden, all mixtures but what are hallowed by marriage, and the order of nature, it is no part of the perfection of the law, to name the species of impurity, and the circumstances of that vileness, which gets new names as men please to undo themselves by tricks and artifices of shame.

2. There are some sins which are like new diseases, vile and infectious in one year, or in one age, which were never heard of before, and die with reproach, and are never head of again. That a woman should grow to that impudence as to marry her adulterer, in the same town where her husband was living, and a prince,—was so rare a contingency, that though it was once done in Rome, yet no law was needful to prevent it. And there needed no law to forbid a man to marry a boy; yet Nero did marry Sporus, and he married Doryphorus, whom Tacitus calls Pythagoras: but this was no less a sin, because it was not the express vocal contradiction of law; it was against a law that named it not.

[d] Gal. v. 21.

3. There are some sins, which nature and the public manners of the world do so condemn, that they need no special mention in the laws. No law forbids us to eat man's flesh, and yet all the civil part of mankind hate and condemn them that do it; and those Egyptians who did "deperire defunctorum cadavera," "fall in love with the dead bodies" which they did anoint, were condemned by the voice of all the world, without the charges of an express law. And all that read the narratives of the Gnostic impurities, how they did, in the impurest sense, "litare in sanguine femineo," and make their eucharist of matter of abomination, have enough of prime reason and common notices of laws and things to condemn their vileness, though they never study the question, or inquire which commandment they prevaricate.

4. There are some sins like others that are named; which are not distinct kinds, but like the monsters of Africa, produced by heterogeneous mixtures, or equivocal generation: thus to geld a child to make him have a good voice, is so like cruelty, and the unmercifulness of homicide or mutilation, and is such a curiosity of voluptuousness and sensuality, that though it wants a name to signify its whole sinfulness, yet it must stand condemned, though there be no text against it described expressly in the tables of the law. To give money for ecclesiastical preferments is so "like the sin of Simon Magus," that it hath obtained his name and his reproach, and yet it is not the same crime; but upon the account of St. Paul's ὁμοίωμα, or "similitude," it hath the same condemnation. Thus polygamy is like adultery, and marrying after divorce (except only in the case of fornication) is like polygamy. Concerning which things, there is one measure in general, and some other more particular. 1. In general.

2. "The likeness of things to those which are expressly forbidden, is not to be estimated by forms and outsides, and material resemblances, but by the intrinsic irregularity and reason of the prohibition." —To kill a wife or daughter taken in adultery, even in those countries where by the laws it is permitted, looks as like murder, as killing can: but because the laws allow the interested man to be the executioner, it is the public hand, not the private, that takes the vengeance: and therefore they are not alike in a culpable similitude. But on the other side, to take my goods wherever I find them, looks like justice; but because of justice, a man is not to be judge and executioner in his own case, and this thing is, in many cases, forbidden by the laws, this is against justice; for it is not enough that it is his own; for although it is "justum," a just thing to take my own, yet to do it from a thief by private authority, where it is forbidden by the public, is "justum injustè factum," "a just thing done after an unjust manner." But if there be a likeness of injustice, a prevarication of the same reason, an equal injury, then not the letter of the law, but the reason and the spirit of it, is its condemnation. "Par pari referre," "to give back the good I have borrowed, is one of the great lines of justice; and, upon this account, we are bound to pay debts, to perform contracts, to make equal returns of valuable considerations,—and whatever is against this, is against justice. But then because acts of kindness are the transition of a good from one to another, and although it is without a bargain, yet it is not without an obligation, ingratitude comes under the τὰ ὅμοια, it is so like injustice, that it is the worse for it. It is expressly commanded that we should provide for our children according to our powers; and therefore they that expose them, are worse than infidels, and have denied the faith: but then to deny to nurse their own children (unless it be upon a just and a reasonable cause, upon charity or necessity) is so like exposing them, that it must stand as reprobate under the sentence of the same commandment.

3. (2.) But the particular measures of this rule are these: Whatsoever is of the same specification, is of the same obligation and necessity. But if men would be ingenuous, and worthy in giving sentences of their actions, and understanding the measures of their duty, there could be no difficulty in this. For men are easy enough to consent to a general rule, but they will not suffer their own case to be concerned in it: and they understand the particulars too fast, when it is the interest of their brother; but if it be their own, they know nothing of it. It is written, "Thou shalt not tempt the Lord thy God," and all the world consented to the law since the promulgation; but yet many nations, and many ages of christendom, did admit the trials of rights by duels, and of innocency by fire ordeal: which was as direct a tempting of God, as any thing next to desperation itself; and by this is sufficiently reproved. If the labourer be worthy of his hire, then so is the priest; if the priest of the old law, then also the minister of the gospel: which particular I choose to instance in, that, by occasion of it, I may give caution against that, which causes error in the application of this measure and sense of laws unto the conscience.

4. For because all actions are invested and varied with many circumstances, they who are concerned in a particular, with which they are willing to escape, think every new circumstance to be a warrant great enough to exempt him from the general rule. Thus, if a rule was given in the law of Moses, they who would not have it drawn into consequence in the gospel, observe that differing circumstance of the divers laws; and think it answer enough to say, "it was so in the law, but what is that to the gospel?" Now this answer is only true, when the law and the gospel have contrary measures in the same instance; that is, when the instance did not only relate to the law of Moses, but is against the analogy of the gospel. Thus, no unclean thing was to come into the presence of the Lord; and therefore the leper, or the polluted "in profluvio sanguinis," or "seminis," might not come into the temple; but then if we argue, this is much more true in the gospel, which is a state of greater purity than the law, we can conclude nothing, because the measures of legal and evangelical purity are wholly differing; and, therefore, here the rela-

tion to the several states and laws is considerable, and makes a material difference. But when there is nothing in one that appropriates it to itself, and nothing in the other that excludes it, then the circumstance and relation alters nothing of the proposition: and so it is in the matter of maintenance for the evangelical minister.

But no circumstance can alter the question, unless it be a material ingredient in the very constitution of it, and changes the reason of the former usage. Thus when, by the commandment, we are tied to give every one their own, if the owner be a madman, and in his fury demands his sword; although this particular be a specification of the general rule, yet it is altered by a circumstance, which changes the reason of the law, or supposes it changed. So when David brought his men to eat shew-bread in the days of need, the priest asked, if the young men had abstained from their wives, saying, that then they might; but he that shall argue from hence, that no man can receive the sacramental bread, but he that hath been continent in that instance, may be surely enough answered, by telling him that such contacts did sometimes, and to some purposes, contract legal impurities, but not evangelical, in which only the purity of the spirit is required; or if also corporal were required, yet such approaches, under the protection of marriage, are declared to be κοιτὴ ἀμίαντος, as great a purity as chastity itself, of which this is one kind. But when there is no cause of change of the ingredient in the article, if it be of the same nature, though differing in extrinsical or unconcerning circumstances, it is by way of specification included in the rule, and is to be conducted by its measures.

5. (3.) Whatsoever is equivalent to the instance of the law, is also within its sanction and constitution. By "equivalent," (speaking morally, not logically,) I mean that which is inferred from the greater to the less affirmatively: or, 2. from the less to the greater negatively: or, 3. from that which is equal to it, both affirmatively and negatively. For thus laws are extended on all hands; the same law that forbids murder, forbids cruel thoughts and violent anger, whatsoever tempts to murder, or is the beginning of it, or is in the natural progression towards it. So, on the other side, the law commands us to obey our superiors (meaning the spiritual); the same law, though it there names them not, does more strongly command us to obey princes; for they also "are over us, and watch for the good of our souls, and must give an account for them."* Thus, if husbands must give honour to their wives, then wives must give honour much rather to their husbands. If you may not steal out of my house, you must not spoil my goods in it; much less may you fire my house, and burn my goods too; if you must be faithful in little things, much more in greater things; if you must give your life for God, much rather must you give your goods; if you must not defile a temple, much less must you dishonour your bodies.

6. This also is to be extended to the proportionable obligation of correlatives. For if the relative be bound by the laws of Christ, then so also is the correlative; which rule hath no exception, but an explication of it is sufficient. For either the duty of relatives is equal, or unequal in degrees, and it is either in the same instance, or in divers. If the instances be divers, they are, in all cases, expressed competently in the New Testament; as the duty that husbands and wives, that children and parents, that masters and servants, that princes and subjects, owe to each other respectively, and they need not to be conducted by involution and consequence, for their duties are described in distinct lines. But if the duty and instances be in the same kind, but differ in degrees, then the measure of the degrees is to be conducted by proportion to the difference of persons, by public honesty, and the sayings of wise and good men, and the common usages of the best, and the measures of reason. But if they be the same in kind and degree, then the rule and measure of one is the rule and measure of both, though one only be named in the law. And this is of use, not only in the equal instances of unequal relatives, but in all the instances of equals; as in friendships, societies, guilds, colleges, exchanges, traffics, and the like. There must be care taken, that according to St. Paul's rule, "there must not be ἄνεσις, ease, remission, and advantage to one, and θλῖψις, trouble, burden, and disadvantage to the other;" but in relations that are equal, the duty and the expression must be so too; ever with this caution, that,—If the duty be the same between relatives, it cannot follow that the privileges are the same.—The husband and wife are equally obliged in the duties of love and justice; but they have not equal powers, neither can the woman put away the man, as the man can the woman. For though man and woman are "pares in conjugio," tied to an equal love, and an equal duty, yet they have not an equal power, nor an equal liberty; in government and divorces, they are not equal.

7. But upon the account of this rule, the christians have a most certain demonstration of the unlawfulness of polygamy, or of having many wives at once. For our blessed Saviour said, "He that puts away his wife, unless it be for fornication, and marries another, committeth adultery;" therefore he much more is an adulterer who marries another, when his wife is not put away, and hath not committed fornication. But in this and the like cases, we are to proceed by the measures of reason, and the common usages of laws.

8. (1.) A law, drawn from a law, must be evidently and apparently in the bowels of it before such extraction, or else it must not be obtruded as the sentence and intendment of the lawgiver. "Obey them that have the rule over you,"—is a plain commandment; but if you infer, therefore, in all things that they say, "deny your own reason, and submit your understanding;" this follows not, because we are commanded to obey them only in such things, where they ought to rule over us, but that is not in our understandings, over which God alone is the ruler; and those whom he hath sent,

* Hebr. xiii.

are rational and authorized guides, they have power to teach, and power to exhort, they are to do any thing that can inform us, and invite us to good; and we must follow them in all ways that lead us to God: and that they do, we are to believe until we have reason to believe the contrary; but because, beyond these measures, the law neither said nor meant any thing, therefore the obligation extends not so far.

9. (2.) Whatsoever is not in the letter of the law, is then understood to be intended by the law, when it is drawn from thence by a prime and immediate consequence; in which there is no violence, nor artificial chains, nor devices of wit and labour. For laws ought to be but few, and they love not to be multiplied without apparent necessity, and he that makes more than Christ intended, lays a snare for his own foot, and is cozened by his own argument. Christ commanded us, that we should do our alms and prayers in secret: from hence it follows, that all solemnities of pride, and all the dressings and adornments of our prayers, designed for vanity and publication, are criminal; and under this prohibition come all acts of proper specification. But then if I argue from hence further, and say, "Therefore it is not lawful to appoint public assemblies for prayer; or, if it be, yet it is not lawful to appear to men to be passionate and devout: and further yet, that private prayer is better than public, and therefore that it is to be preferred before the public, and therefore yet that we may safely neglect the assembling of ourselves together for prayer," I argue foolishly, and cannot impose a necessity of obedience upon any. The law warrants me to go no further but within sight of it: if I go one step from her words, I am within the call of her voice: and my obedience can well be exacted, where it can be well proved, but never else. It is in laws, as it is in articles of belief, to which we are obliged primarily, and afterwards to every thing that is certainly and immediately drawn from thence. But if you go beyond one consequence, there are so many certain, but indiscernible fallibilities, so many intrigues of fancy in the disputer, and so much unaptness in the hearer, that it is ten to one they either do not understand one another, or do not understand the article; and so it is in laws, so long as we go on in the straight line of its letter, and known intention, we commit no error, or can soon be reproved if we do: but if we once double a point, we presently lose sight of the law; as appears in the instance now given in the precept of "praying in secret:" against which it is no objection to say, the consequents were not rightly deduced from the words of that precept. For I grant it; it is true they are not; but then I say, it is also ten to one but it will be so in any instance, that shall be made fruitful with anfractuous and involved consequences. For that is it that I say: a man's reason is to be suspected when he goes a great way from this rule; and we by our logic shall become but ill lawgivers. Whatsoever can certainly and truly be deduced from a law, does as certainly oblige us as the instance that is named, or the first specification of it, or the direct consequent, if it could be made as evident as it is certain; but because it cannot, therefore it can oblige but in the degree of its clarity and manifestation, for that is to the remote instance, the same as publication is to the commandment itself. But the precepts or laws of Christ, are like the "radix prosapiæ," the grand parent of a family, from whom the direct descendants are for ever to be reckoned to the kindred, in the straight and proper line; but when once it goes to the transverse and collateral, they not only have no title to the inheritance, but every remove is a step to the losing the cognation and relation to the chief house.

10. (3.) In drawing the consequent duties from express laws, the first presumption is for piety, and the honour of God, that is, if the obligation be not evident; yet if it be evident that such obedience is for the honour of God, it is more probably to be supposed that that consequent was intended by the law of God, whom it so apparently serves. But where this or the like material ingredient is not, we are to presume for our liberty, rather than for the multiplication of laws; because that is charity and prudence, and both of them are very considerable in the constitution and interpretation of a law. But this is more full in the next rule.

RULE IV.

When any Thing is forbidden by the Laws of Jesus Christ, all those Things are forbidden also which follow from that forbidden Action, and for whose Sake it was forbidden.

1. This rule is of use in all laws, and is expressed to the same caution both in the code of the civil law, and in the decretals; and the reason of it is, because the laws of any lawgiver, being the effects of his greatest wisdom, are designed to the best end, and are intended only to operate towards and to effect that end: to this purpose laws are made to prevent evils; and though the evils are not always named, yet against them it is that the laws are cautionary and provisionary; so that the evil is much more forbidden than that which brings it, or leads it in; because sometimes the evil instrument may be destitute of its evil effect, and therefore is, in many degrees, innocent and harmless; but if the evil be introduced, it is all that which the laws were afraid of. And therefore Aristotle[f] said right: τὸ δὴ τέλος ἑκάστης πολιτείας οὐ δεῖ λανθάνειν· αἱροῦνται γὰρ τὰ πρὸς τὸ τέλος, "We are to consider the end of every republic, for they choose all things in order to their end;"—and the laws are made for public defence, security, and profit; so it is in religion and the laws of God. When we give alms, we are commanded not to blow a trumpet, so being warned against pride; but if, without that instance or signification, we be really proud, or value ourselves upon that account; or despise our brother as less holy, or oppress the fatherless and widow, though without that pretence of holiness and the ad-

[f] Ethic. lib. i. c. 8.

vantages of hypocrisy, they are greater breakers of the commandments, than by their fond and fantastic proclamations of their charity. Thus we find in St. Paul's an express prohibition, that we "should not make provision for the flesh to fulfil the lusts thereof;" that is, that we do not take in great stowage of meat and drink, or use arts of sharpening the desire, or caressing the fancy, to make the pleasures brisk and active, and the sense quick and pleased: but some there are that make temperance the instrument of pleasure, and the minister of sensuality, and can be most pleased when they take the least care; and some mind the pleasures so as they will not tarry for the instruments, or need them not; in these and the like cases, if there were no distinct prohibition of that evil effect, yet it were sufficiently prohibited in the prohibition of the instrument. But because most of the evil effects of evil instruments are, expressly and by name, forbidden in the New Testament, this rule is of use principally in the aggravation and condemnation of sin; and it means that every judgment and every evil we suffer, which we were foretold of, and which is a foreseen effect of such an action, is to be imputed to us; and besides the direct sin, we are also guilty of uncharitableness, by doing that which we know will hurt us. God, in the forbidding the sin, commands us also to preserve ourselves, and, besides the sin, is angry at the very death.

2. This rule hath two limitations: 1. It is not to be understood of events contingent and accidental; but either natural and proper, or foretold and threatened, or at least usual and noted. He that maliciously sows false doctrine in the church, is answerable, not only for the heresy, but for the mischief that he intends, or is willing it should produce; but if another man, to spite him, or to hinder his fame, shall set up a contrary heresy, although this was the spawn of the first toad, yet because it was an equivocal production, it shall be no otherwise imputed, but to reproach him amongst men, to reprove his folly, and to be an argument of a speedy repentance.

3. But, 1. Whatsoever effect is natural to a forbidden action, is directly upon the same account. Thus, whosoever divides the church, to him are imputed all the evil effects of schism, which are its natural productions. If an imperious, foolish woman, by a continual inquietude, by her evil nature and a vexatious spirit, so disturb her husband's quiet, and the ease of his soul, and the comforts of his life, that he also lose his health,—she is not only guilty of the violation of the laws of love, and duty, and meekness, by which she is bound to God and to her husband, but is guilty of murder, or high injuriousness and uncharitableness, according to the degree of the mischief, which she sees impressed and growing upon him.

4. (2.) Whatsoever event is foretold and threatened, all that also is imputed to him, that does the forbidden action to which it is threatened; and he is directly "felo de se," who by lust brings upon himself the rottenness of life, far worse than the putrefaction of the grave; and he is a perfect prodigal of his fortune, who, by committing sacrilege, invites the worm, and calls a spirit of unthriftiness and consumption to his estate; and he that grieves the Spirit of God, and causes him to depart, is guilty of that beggary and baseness of spirit, with which such evil usages of the Holy Spirit of God are often punished. For as God forbade some sins, not only for their own sakes, but that others which are their foul issues might be strangled in the womb; so he forbade all sins, and laid direct and collateral restraints upon them, that man might not be unhappy, and extremely miserable. As, therefore, he who by one sin introduces another, is guilty of both; so he who brings an evil which God graciously intended should not fall upon us, to him that evil is to be imputed, and that evil also does either directly or accidentally, according to the nature of the subject matter, increase his guilt.

5. (3.) If an evil effect be not either natural or threatened, yet if it happens ordinarily, and be noted, it is to be imputed to him who does that evil and forbidden action, which does infer it. The reason is, because he wilfully sins against the purpose of the law, who will not prevent that evil, which the law intendeth to prevent, and makes the law void and illusory, that is, destitute of its effect, and perfectly in vain as to that intention. Thus it is observed that the father's or the mother's curse destroys the pleasures of a sin, and the gaiety of a fortune, and the prosperity of an offending child: he, therefore, that shall do a forbidden action, which shall bring such a curse upon himself, is not only justly punished, and is to impute that to himself perfectly and alone,—but if, upon his account, evil descend upon his posterity or relatives, he is guilty of that evil, and is a direct sinner in their punishment.

6. (2.) The other limitation which I am to interpose, is this: That the evil effects of an evil action are imputed but in proportion to the will and actual understanding, beyond the sphere of which whatsoever does happen, it is collateral and accidental both to the intention and to the time. A man's action hath a proper life of its own, and it leaves a permanent effect, or is productive of the same by a continuing emanation; this, if it be foreseen, and considered, and chosen, is as imputable as if it were present or immediate. But because a man can see but so far, and hath a limited efflux and impression by all his actions, he is not to be judged or condemned by any thing that shall happen beyond that proper extension; and if some Polonians or Transylvanians, English or French, make ill use of the arguments of Arius, it is not to be supposed that it shall be put upon Arius's account at the day of judgment, and that his or any man's damnation shall increase upon such accounts, which as they are beyond the intention of the man, or the efficacy of his action, so also beyond the distance of his prevision.

7. But for this, that rule which is nearest to exactness, is this,—No effect which happens after a man's death, is imputable to him as a new sin.—So far as it was actually intended and designed in his lifetime, or foreseen and not reversed, so far it is

[s] Rom. xiii. 14.

imputed upon the stock of the present malice, not of the future event; his own act and his own intention for the present, and his actual design of the future, are sufficient load upon him; but then because his act and his actual design could not live after his death, therefore nothing beyond the life of the man can be a new sin: because as he cannot actually or habitually will that event, so neither can he rescind it: if he cannot will it in any sense, it can in no sense be imputed; but if it could be willed, then it may also be refused and rescinded, which because it is impossible, therefore the increase of evil stands not at his door that occasioned it, and cannot either will it any more, or hinder it. This is that which is meant by our blessed Saviour, "The night comes when no man worketh;" and whatsoever is beyond the line of life, is also beyond the line of malice; and therefore cannot increase or begin upon a new score, when the whole stock is spent.

8. Lastly, that which proves all this, does also further explicate the rule: whatsoever event depends upon the will of another, is so contingent in respect of him that first set the evil on work, that it is no longer upon his account, than he actually or habitually desires it or endeavours: because now the evil hath a new cause, and every emergent event is upon such a cause, as cannot be forced, or indeed produced, by any thing besides itself: and therefore to itself only it is to be imputed, excepting where the malice of the first agent hath an actual or intended influx into the second.

RULE V.

The laws of Jesus Christ are the Measures of the Spirit, and are always to be extended to a spiritual Signification.

1. It was a fair character that was given of the christians,[h] Πείθονται τοῖς ὡρισμένοις νόμοις, καὶ τοῖς ἰδίοις βίοις νικῶσι τοὺς νόμους· "They obey the laws appointed for them, and, by the piety and charity of their lives, excel even the measure of the laws themselves:" for by what instance soever God would be glorified, and by what charity soever our brother can be relieved, and by what justice societies are established and continued, in all that they exercise themselves according to their whole power, and would do more if they could, and sometimes do more than they are required; and oftentimes with better circumstances than are exacted, and always with a mind more ready than their hand.

2. Human laws can exact but the outward action; they neither can command the understanding nor judge the will, because they cannot secure that, nor discern this; and without these two, their interest is well enough preserved. He that pays my money, though it be against his will, does me justice, and is quit before the king; and if he dissembles, yet if he gives me good words, I cannot implead him of calumny or slander. Thus the Pharisees[i] understood the law of Moses, and called him innocent whom the laws could not charge; but therefore Christ calls them to new accounts. He that offers a pure lamb to God, may dishonour him with a foul thought: and no sacrifice is pure by the skin and colour, but by the heart and hand, of him that presents it. Acts of external religion are publications of the Divine honours, but the heart does only pay them; for there it is that God does sit judge alone: and though he hath given us bodies to converse below with a material world, yet God's temple is in heaven, in the intellectual world; and the spirit of a man is the sacrifice, and his purest thoughts are oblations, and holy purposes are the best presents, and the crucifixion of our passions is the best immolation, the only beasts of sacrifice, and the cross of Christ is the altar, and his passion is the salt of all our sacrifices, and his intercession makes the sweet perfume, and so atonement is made by the blood of the Lamb, and we are accepted in our services, and our wills are crowned with the rewards of a holy obedience: if our hearts be right, our services will never be wanting or rejected; and although our hearts can supply the want of external power, yet it is certain that nothing can supply the want of our hearts, and of good affections; these must be entire: for they are God's peculiar portion, and therefore must not be divided. Plutarch[k] tells of Apollodorus, that he dreamed he was taken by the Scythians, flayed alive, and then cut in pieces, and thrown into a boiling caldron, where his heart leaped forth into the midst of all the little portions of flesh, and told them, "I am the cause of all this evil." It was something like that saying of St. Bernard, "Nihil ardet in inferno, nisi propria voluntas:" "Nothing burns in the eternal flames of hell, but a man's heart, nothing but his will:"—for from "the heart proceed evil thoughts, adulteries," &c. said our blessed Saviour:[l] but therefore God requires the heart, that is, that the principle of actions be secured, and the "principalis domus," "the chief house," where God loves to dwell and reign, be kept without thieves and murderers. This, then, is the first sense of the rule; that our obedience which Christ exacts, is a sincere obedience of the will, and is not satisfied with the outward work. He that gives alms to the poor, and curses them in his heart; he that entertains an apostle in the name of an apostle, and grudges the expenses of his diet;—is neither charitable nor hospitable, and shall neither have the reward of an apostle nor a brother. In vain it is to wash a goblet, if you mean to put into it nothing but the dead lees and vap of wine; and a fair tomb of amber was too beauteous and rich an enclosure for Martial's viper and his fly.

Introrsum turpes, speciosæ pelle decorâ. Hor.

But this is a caution against hypocrisy in the moral sense of the words, but the legal sense of the rule is, that in all laws the first intention is, that God be served with the will and the affections; and that these be never separated from the outward work.

[h] Per Scriptor. Diognetum.
[i] Matt vi. and Matt. xxiii.
[k] De iis qui tardè à Numine puniuntur.
[l] Matt. xii. 15, 19, 34.

3. (2.) But it is also meant, that the whole design of the laws of Jesus Christ is to be perfective of the Spirit, and his religion is a spiritual service; that is, permanent and unalterable, virtuous and useful, natural and holy, not relative to time and place, or any material circumstances, nor integrated by corporal services; the effect of which is this:

4. (1.) The body of the christian services does wholly consist of natural religion, that is, such services whereby we can glorify God and represent our own needs; that is, prayers and eucharists, acts of love and fear, faith and hope, love of God and love of our neighbour, which are all those things by which we can be like God; by which we can do good, and by which we can receive any: and excepting the sacraments whose effect is spiritual, and the sense mysterious, and the rites easy, and the number the smallest of all, there is, in the digest of the christian law, no commandment of any external rite or ceremony.

5. (2.) As it intends wholly an exclusion of the Mosaic ceremonies, so it will not admit a body of new and superinduced ceremonies; for they are, or may be, as much against the analogy of the spiritual law of Christ, as the other. The ceremonies of the christian services must be no part of the religion; but either must be the circumstances of the religion, or the imperate acts of some virtue: the christian must be in a place when he prays, and that place may be determined, and thither he must go, and yet he may go any whither else; his action is finite, and must be done in time, and that time may be appointed him, and then he must do it at that time, and yet he may do it at any time else: if he be commanded by his superiors to pray kneeling, he must kneel at the appointment of the law; and yet he may, in his own devotions at another time, fall upon his face or pray standing. But the christian and the Mosaic ceremonies thus differ:

1. The Mosaic rites were appointed by God; the christian only by men.

2. Consequently they are necessary parts of religion, these are not.

3. The Mosaic ceremonies did oblige every where; the christian only in public.

4. They were integral parts of the religion; these are but circumstances and investitures of the religious actions.

5. These are to be done with liberty; but the Jews were in bondage under theirs.

6. Ours are alterable, theirs lasting as their religion.

7. Theirs were many and burdensome, ours ought to be few; of the number of which our superiors are to judge by charity, and the nature and common notices of things, and the analogy of the liberty and laws of christianity. But although there are no publicly described measures beforehand, by which princes or prelates shall appoint the number of their ceremonies; yet there is in reason and common voices sufficient to reprove the folly of him, who because he would have his body decently vested shall wear five-and-twenty cloaks: "stola et tunica;" something for warmth and something for ornament does well; but she that wears so many adornments on her head and girdle, that it is the work of half a day to dress her, is a servant of the tire of her own head; and thinks neither her soul nor her body, but her clothes, to be the principal. By this I intend to reprove the infinite number of ceremonies in the Roman church; they are described in a great book 'in folio;'

Quem mea vix totum bibliotheca capit. MARTIAL.

my purse will not reach to buy it: but it is too like the impertinency of the busily idle women I now mentioned: and although, by such means, religion is made pompous and apt to allure them that admire gay nothings, and fine prettinesses; yet then it also spends their religious passions and wonder in that which effects nothing upon the soul. It is certain, that actions of religion must be fitted with all those things, which minister to decent, and grave, and orderly, and solemn actions: but they must be no more but a just investiture of the religious action; and every thing can distract us in our prayers, and all the arts of watchfulness and caution are too little to fix our intentions in them; and therefore whatsoever can become a proper entertainment of the mind, can also be a diversion of the devotion and a hinderance to the prayer. The sum is this;—ceremonies may be the accidents of worship, but nothing of the substance.—This they were among the Jews, that they may be amongst the christians, time and place for the action: habit and posture for the men; that is all that religion needs, whatsoever else is grave and decent, and whatsoever else is orderly, is not to be rejected: but if it be not these, it is not to be imposed; and when they become numerous or grievous, they are to be removed by the same lawful hand that brought them in.

6. (3.) In the christian law, all purities and impurities are spiritual; and the soul contracts no religious change without her own act: he that touches a dead body, though he does not wash, may lift up pure hands in prayer; but if his soul be unclean, no water, no ceremony will wash him pure without repentance;

O nimium faciles quia tristia crimina cædis
Tolli flumineâ posse putatis aquâ.

It had been well, if, in all ages, this had been considered, and particularly in the matter of marriage: for when single life was preferred before the married for the accidental advantages to piety, (especially in times of persecution,) which might be enjoyed there rather than here, some from thence extended their declamation further,—and drawing in all the auxiliaries from the old law, began to prefer single life before marriage, as being a state of greater purity; and then, by little, they went on thinking marriage to be less pure, till at last they believed it to be a state of carnality; and with the persuasions of men, effected by such discourses, were also mingled the discourses of heretics, who directly condemned marriage, and that which descended from this mixture of doctrines, some false, and the others not true, was a less honourable opinion of that holy institution on

which God founded the first blessing of mankind; and which Christ hath consecrated into a mystery, and the Holy Spirit hath sanctified by the word of God and prayer, and which is the seminary of the church, and that nursery from whence the kingdom of heaven is peopled. But if marriage be lawful, then he that lives in that state as he should, contracts no impurities,—but is capable of any holy ministry, and receptive of any sacrament, and fit for any employment, and capable of any office, and worthy of any dignity. Let them who have reason and experience to verify their affirmative, speak all the great things of single life that can be said of it, and they may say much; for the advantages are many which are in a single life, and in a private state, and an unactive condition, and a small fortune, and retirement; but then, although every one of these hath some;—yet a public state, and an active life, and a full fortune, and public offices, and a married life, have also advantages of their own, and blessings and virtues appropriate; and in all God may be equally served, according as the men are, and the advantages neglected or improved. But that which I insist upon is, that to be rich is no sin, and to be a public person is no crime, and to be married is no impurity: and therefore to suspect a disproportion between this state, and spiritual actions or offices, is a jealousy whose parent is heresy, and pride and interest are its nurses. Fornication is uncleanness,—and concubinate and voluntary pollutions, and unnatural lusts, are uncleanness, and make us unworthy to approach either to the altar or to the rails; but marriage, that fills heaven, makes no man unfit for churches or holy offices.

7. Upon this account I am also to take away those scruples which have been thrown into men's consciences by some indiscreet persons, concerning involuntary pollutions; concerning which we find many absurd stories of friars, and of pretended temptations and spites of the devil to hinder them from receiving the holy sacrament, by procuring such accidents to them before the solemnity: which persuasion was wholly upon this account, that the spirit could be polluted by something that is without; and that the accidents of the body could defile the soul, and this and the like were the accidents that could do it. In which cases it is without all peradventure true, that if the soul consented not before or after, neither nature, nor nature's enemy, are to be taken into the accounts of just dispositions or indispositions to spiritual ministries; if we serve God with our whole mind, and with all our heart, and do what we can that is good, and avoid all evil that we can avoid, we cannot be prejudiced by what we cannot avoid.

8. (4.) Although the spirituality of the gospel excludes all shadows of ceremonies, and all bodily rites, from being of the substance of religion; yet this spirituality does not exclude the ministry and service of the body; for the worship of the body may also be spiritual: to worship God with our bodies is λογικὴ λάτρεια, a "reasonable,"[m] and therefore a "spiritual worship." Thus when the eyes are lift up in prayer, when the bowels yearn with pity, when the hands are extended to fill the poor man's basket, the body serves the spirit, and the spirit serves God, and all is a spiritual religion. But because a bodily religion, such as was that of the Jews, cannot be a spiritual religion, such as must be that of the christians, and yet the service of the body is also a part of the ministry of the Spirit; the rule which can determine our conscience in the instances of this article, is this:

Whatsoever is an elicit or imperate Act of Virtue, whether it be acted by the Soul or by the Body, is an Act of spiritual Religion.

For in virtues, there is a body and a soul; and all transient actions, or "ad extra," have something of materiality in them, which must be ministered to by the body. For therefore our blessed Lord hath commanded mortification of our bodies, that our bodies may become spiritual; and as acts of understanding are ministered to by material phantasms, so are the most spiritual acts of virtue, the love and the fear of God, by sad spectacles and gracious accidents, by feeling good and suffering evil; and as the actions of discerning sensitive objects are direct products of the soul, but yet have for every one of the faculties a proper organ in the body: so have the virtues of a christian; they are acts and habits of a sanctified soul, but to some the hand does co-operate, to some the eyes, and to some all the body, that as the graces of the soul are commencements and dispositions to glory; so these spiritual ministries of the body may nourish it, and dispose the body to its perfect spirituality in the resurrection of the just.

9. But then these ministries of the body are then only to be adjudged a spiritual service, when the soul and the body make but one entire agent, just as when the soul sees by the eye, we say the eye sees: because that seeing is the action or passion of the soul, which uses that organ in her operation: so when the act of the body and soul is but one and the same product of religion, it is the soul and the spirit which is the principal agent, and from thence the action must be denominated to be spiritual. But as when the eye is made to twinkle and look sprightfully, or amorously, or is proposed as a piece of beauty, and does something of its own, but no natural and proper ministry of the soul, it is the instrument of vice or vanity, and not of the soul: so it is in the services of the body, if the body of our services be not the product of the soul, and the imperate act of some virtue, or the proper specific act of some grace, it can never be a part of the religion. St. Paul[n] hath given us perfect measures in this inquiry, "To give our body to be burned, to give all our goods to the poor, to have all faith," are but the bodies and outsides or material parts of our religion, and are good for nothing: but when all these proceed from charity, that is, from a willing, a loving spirit, from a heart that is right to God, that is desirous to please him,—then faith justifies, and giving gifts to the poor, is true alms, and giving our bodies to the fire, is a holy martyrdom: and in this sense,

[m] Rom. xii. 1.

[n] 1 Cor. xiii.

dressing bodies to their burial, is an act of a spiritual grace; to adorn places of prayer, to build them and fit them for the service of God, is an act of spiritual religion,—to minister to the poor, to dress children, to make them clean, to teach them their catechisms, though bodily ministries, are yet actions of the spiritual religion of a christian. But from this, those things only are excluded, which either are not the direct productions of a sanctified soul, or proper and prudent ministries to some virtue.

10. (5.) The spirituality of the laws of Jesus Christ have yet one effect more: in all contracts or interfering of laws, or senses of the laws, the spiritual sense is to be preferred, the spiritual action is to be chosen. By which it is not meant that ever there can be a dispute between the act of the mind and an act of the body; because as no man, and no thing, can hinder the soul from willing or understanding, from loving or hating, from fearing or slighting, from valuing or neglecting its proper object: so the act of the body, which is to minister to the soul, cannot stand in contradiction to that, to which, in the very nature of the thing, it is subordinate. But the meaning is, when laws are to be expounded, that sense is to be chosen, which more relates to an act of grace, than that, which is nothing but an external ministry. Thus, if the question be between the beautifying of a chapel, or the rescuing of the poor from famine, although that might be an act of spiritual religion, when religion requires that specification of an act; yet because that hath less of the spirit in it than the other, and is not required in the presence of the other, this is to be adjudged the more spiritual, because it is the more holy. If the question be between keeping of a holy day, or doing charitable reliefs to necessitous people, Christ, in the instance of the sabbath, hath taught us to prefer charity before external ministries, obedience before sacrifice, mercy before oblations; and did not only make way for the taking off all mere bodily rites, but also for the expounding his own laws to the more spiritual sense, that is, to the compliance with the most excellent and useful grace. So also for the exposition of laws expressed by material significations; as cutting off the hand, plucking out the right eye, eating the flesh of Christ, drinking his blood,—the flesh, that is, carnal commentaries, profit nothing: but these words are spirit and life; that is, they are neither to be understood nor practised in the material, but spiritual sense.

11. But as to the general conduct of the conscience in all these inquiries, the rule is this:—All acts of virtue are to be preferred before the instruments of it and that which exercises it; before that which signifies it; and the inward acts before the outward.—Thus when fasting is appointed in order to prayer, and yet both cannot be together, (for that by fasting we are disabled to pray,) there it is, that prayer must be preferred and fasting let alone. If corporal austerities be undertaken for mortification of a rebellious body; if they hinder the body in the direct ministries to the soul in other cases, and become uncharitable, charity is to take place, and the austerities may be supplied by something else. Now this rule hath in it no exception nor variety but this: that it is to be understood in instances of corporal and spiritual acts, that are of a disparate nature, and but only accidentally subordinate, as fasting to prayer, keeping holy days for the special ministries of religion, lyings upon the ground to chastity, and the like: but in the actions internal, which are proper exercises of a virtue,—the external, which is directly, naturally, or by institution, subordinate to the internal, must never be omitted upon pretence of preferring the internal, because they never can contradict one another; as it never can be disputed whether the soul or the eye shall see; for the soul sees by the eye, and cannot see without it; and it may so happen in the external acts of virtue ministering to the internal: as, in some cases, a man is not charitable, unless he extends his hand to the poor, or lifts him out of a ditch, or guides him in the way. This instance and sense of the rule we learn from St. James:[o] "If a brother or a sister be naked and destitute of daily food, and one of you say unto them, Be ye warmed and filled, notwithstanding ye give them not those things which are needful to the body, what doth it profit?" That is, it is in vain to pretend internal charity without the external: in many cases, it cannot be without it; and when it can, it is because there is no object for the act, or no possibility to do it, and then the internal is to be done, not by way of preference to the external, but in destitution of it and supply. But this will be yet further explicated in the following rule.

RULE VI.

The imperate Acts or outward Expressions of the Virtue of one Commandment, must not contradict the elicit Acts of another.

1. BY "imperate acts" I mean such, which are commanded to be done by the interest of any virtue whatsoever, not proper to the virtue, but such as may minister to it, or signify it. Thus to deny the impure solicitations of an unchaste person, is a proper, an elicit act of the virtue of chastity; but to lie upon the ground,—to wear a hairen shirt,—to use disciplines,—to roll our naked body upon thorns,—to sleep in snows, are imperate acts; that is, such which the virtue may choose and exercise for its own advantage and interests; but such which are not necessary to any man in particular, nor to most men in the general: useful indeed, in some cases, but not necessary in any. To eat and drink sparingly, and so as may minister to health and religion, is directly, that is, a proper and elicit act of temperance; but if a man spares to eat, that he may have wherewithal to pay his debts, it is an imperate act of justice; if to make himself healthful and strong to war, it is an act of fortitude. The terms being so explicated, the measures of the rule are these following particulars:—

[o] James ii. 15.

2. (1.) The elicit acts of several virtues can never be contrary to each other; as an act of religion is never against an act of charity; chastity is never against justice; temperance is never against piety. The effect of which proposition is this,—that one ought not to be pretended against another, and no piety to parents can engage us to be drunk for their sakes; no pretence of religion can make it lawful to neglect the care of our children: and to this purpose was that excellent precept of the son of Sirach; "Let not the reverence of any man cause thee to sin:" it is no good manners to comply with our superiors against our supreme, and there is a time and a place for every virtue; but no time nor place, no cause or opportunity of doing against any. It may so happen, that the external actions of several virtues cannot consist: as sometimes I cannot pay the gabel to the prince, and the offering to the priest; I cannot feed my child and the poor that begs; I cannot, at some times, tell truth, and yet preserve the life of my brother. Now when the two external elicit acts of virtue are inconsistent, the one must of necessity give place: the rules of which are to be given more properly in another place:[p] but that which for the present I am to say, is this,—that although the outward act cannot at all times be exercised, and so must in certain cases be omitted—yet, in no case can it be lawful for the interest of one virtue to do against another.

3. (2.) The imperate acts of one virtue may contradict the imperate or instrumental and ministering acts of another:—as fasting when it is commanded by religion, may be against the advice of our physician, whom to observe it is sometimes a precept of prudence, sometimes of charity. Religion commands us sometimes to feast; and at the same time our charity bids us save our expense, that the poor may be fed the more plentifully. The reason of this is,—because all the imperate acts of virtue are external, and must depend upon something from without; which because it can unavoidably be hindered, it must needs also be, that it may inculpably be omitted. But then the rule is this; Because all imperate acts of virtue are nothing in themselves, but wholly in relation to the virtue,—that imperate act, which ministers to that virtue which is then to be preferred, must also be preferred. The reason is plain: the accessory must follow the nature of the principal; and therefore if we must now prefer the virtue, we must also prefer the instrument. The case is this; Don Antonio Licente, of Portugal, according to the Portuguese and Spanish vanity, loved to see his wife painted; and one evening commanded her to appear with him so disguised at a mask: she having notice that a young gentleman, who was passionately in love with her, would be there, and knowing that it would inflame his passion if she were so adorned, inquires of her confessor, by what means she should restrain the folly of that inamorato, and receives this amongst other advices; that at no hand she should appear before him with any artificial handsomeness: if she obeys her husband's humour at that meeting, she does hurt to a soul, and gives fuel to an impure flame, which is already too big: if she does not obey him in that instance, her husband will lose the pleasure of his fancy. But because she finds there is no other evil will be consequent to her omission, but that her husband shall want a little fantastic pleasure; and the consequence of her obeying him would be, for ought she knew, that God might lose a soul,—she chose to do an act ministering to spiritual charity, and the chastity of her brother, rather than an act that could be instrumental to nothing but the airy pleasure of her husband; though otherwise she had been bound to signify her obedience to him by any thing that had been lawful.

4. But in this there is some variety, and ought to be some caution: for although the principal virtue is to be preferred not only in itself, or in its proper and elicit acts, but also in its imperate and instrumental; yet this is to be understood to be true, when the instruments are in equal order to their respective virtues, or when there is no considerable difference. For if the action in question ministering to the less principal virtue do very much promote it, and the other, which is instrumental to the more principal, do it but an inconsiderable advantage;—the ministry of the less principal is, in that case, to be preferred: the reason is, because, by this omission of an inconsiderable instrument, the present duty is not hindered; but the service of God is advantaged in the other; because it is able to effect something that is considerable towards the service of God, which the other is not. The case is this; I knew a brave man, who by a conspiracy of evil persons, was condemned to die. He having, of a long time, used to fast till the morning office was completed, because he found fasting to be practised by antiquity, and by holy persons in their more solemn offices, and thinking it might or did him some advantage in order to the bettering of his prayer, did think to do so in the morning before his execution. But then, on the other side, he considered, that if he fasted, he should suffer a great diminution of spirits, and possibly might be suspected of pusillanimity, if he did suffer a natural lipothymy; and therefore could not tell what he should do. He was sure that to acquit himself before God in his duty was much to be preferred before the other, of appearing brave and hardy before men; and therefore that his private prayers were more to be regarded than his public confidence; and therefore was choosing to fast: but then he reflected again on the instrumental actions, and considered that his abstinence from a little meat would bring but a very little and inconsiderable advantage to his prayers, but his eating would very much strengthen his heart, and do him a very considerable advantage that way, he chose this;—because the other could easily be supplied by the intenseness of his spirit, his zeal, and his present necessity, but this could not but by natural supplies and supportations of the strengths of the body.

5. But, in the like cases, prudence and the conduct of a good guide is the best security to him

[p] Lib. 3.

that inquires with an honest heart and pure intention; and then the determination is best, and the conscience is safest, when both can be reconciled; but when they cannot, the former measures are to be observed.

6. (3.) Those actions which can only signify or serve the interest of virtue by way of collateral advantage and indirect ministry, must ever give place, when they hinder the proper acts of any virtue whatsoever. Fasting must never be used, when to fast is against charity; because charity is directly commanded, but fasting is relative to something else, and is not commanded for itself. Now in those things which are of a disparate nature, a principal is ever to be preferred before an instrument, and an act of duty before an act of prudence, and necessity before convenience.

7. (4.) But in things subordinate, that is, when the outward act is an elicit act of virtue, and truly subordinate to the internal, there can be no contradiction of one to the other; but the outward act and the inward must be both performed; that is, neither of them must be pretended in objection to the other; for they cannot hinder each other; but the outward can be hindered only by something from without, but the inward by nothing. So that in order to conscience, the rule is this; "He that does an inward and elicit act of virtue, will certainly, if it be in his power, do the outward elicit act:" that is, the hand will move at the command of the will, and the foot will go if it be commanded,—and if the soul be charitable, the hand will be apt to minister. For it is not well within, unless it be well without; that is, unless the virtue express itself in outward action, where it can. And on the other side; an outward elicit act of virtue can never go alone; unless it be the product of a good heart and of an inward elicit act, it is the imperate act of pride, or ambition, or a vicious fear, or covetousness, or something criminal; but neither the imperate nor the elicit act of any virtue whatsoever.

8. (5.) Though the words of art here used be not common, yet the practice of these rules in the questions of conscience will not be difficult, if we shall, but with some diligence, observe the difference of external actions, and be able to discern what outward actions are the elicit or proper, and which are the imperate and instrumental acts of virtue; because these being to give place to other acts by the events and constitution of their own nature, and the other never but when they are hindered from without, our duty will be easy, when we once understand of what nature the outward action is. The rule, therefore, for the direction of our conscience in this affair, is this;—"Those actions, which either are commanded by name and in particular, or by direct and proper consequence from the general, they are the elicit and proper actions of a virtue." Thus to give alms is a proper and elicit act of charity: to condemn the criminal is a proper act of justice: to speak well of all men behind their backs, so far as we can with truth, is an elicit act of equity. But whatever is of that nature that it can be done innocently, and yet not be an act of virtue properly, that only is instrumental to a virtue, and is an imperate action. Thus to invite rich men to a feast may be done prudently and without scruple; but he that does so and no more, shall have no reward in heaven for it: but yet to invite rich men to a banquet may minister to friendships or peace, or it may obtain relief to a poor oppressed brother; and then it may be a good instrument of that virtue, to which, by accident or the personal intention of the man, (not the natural order or intention of the thing,) it does minister. By the serious observation of this difference of acts we may be guided in many cases of conscience, and in the interpretation of some of the laws of our religion.

RULE VII.

When any Thing is forbidden by the Laws of Christ, all those Things also, by which we come to that Sin, are understood to be forbidden by the same Law.

1. IN this, there is one great difference between positive and negative laws. When any thing is commanded or enjoined, to take or use any instrument to it is left to our choice, and is matter of prudence and not duty: as when we are commanded to mortify the lusts of the body; we are not commanded to lie upon the ground, or to masticate rhubarb, or to go barefoot, or to put on St. Francis's girdle upon the bare body: as we find these actions aptly instrumental to the duty, and fitted to the person, so we may use them; but if the fear of hell, or the hopes of heaven, can mortify us sufficiently to all the purposes of the Spirit,—or if he who is married, be not tempted,—or he who is unmarried, be by nature abstinent, or by disease and imperfection,—these instruments are out of use, as to these purposes. For here nothing is under command but the duty itself; and if by any good instrument it be done, it is all one as to the law. But in negative precepts, the case is otherwise: for the crime is not only to be abstained from, but every instrument of it, every path that leads to it, whatsoever can begin or promote it: and the reason is, because all these things are of the same nature with the sin; and therefore although every thing that is or may be good, is not commanded, yet every evil is forbidden. "One fly can spoil a pot of ointment." But this we are plainly taught by our blessed Saviour's sermon on the mount; where he expounded the precepts of the ancients, not only to signify the outward act, but the inward desire: and in this our blessed Master's law is much more perfect than the digest of Moses; for although there also God forbade concupiscence, yet it was only instanced in the matter of covetousness; and was not extended to the other instances of duty; but in Christ's law, "non concupisces" is the "apex juris;" it is the conservatory and the last duty of every commandment.

> Nam scelus intra se tacitum qui cogitat ullum,
> Facti crimen habet. JUV.

He that thinks a lustful thought, hath broken a commandment; and if the eye be full of adultery, or the mouth be impure, or the hand be unclean,—the whole man is polluted before God, and stands guilty of the breach of the main law. "Exercetur, atque aperitur opere nequitia, non incipit." The deed tells the heart, and opens the shop of crimes; but they begin in the heart, and end in the outward work.

2. But in this there is no difficulty: for God being Lord of all our faculties, and the Searcher of hearts, and the Judge of our thoughts, he must be served by all; and he searches, that he may judge all,—and judges, that he may punish or reward all. But the rule is only thus to be limited; that in those sins, whose being criminal is wholly relative to persons with whom we converse,—every thought is not a sin, unless that thought also be relative. As he sins not that thinks a lie, if he resolves not to abuse any body with it,—and a man may love to please himself with false news, and put on a fantastic confidence and persuasion of the truth of what he would fain have to be true; though to his reason it seem improbable. In this there is some folly, but no malice: but to lie is a relative action; and if he have but a thought or purpose to abuse the credulity of any one, then that thought or purpose is a lie; that is, it is of the same nature with a lie; and therefore of the same condemnation. The case is the same in all things, which are forbidden only because they are uncharitable or unjust to my brother, but are permitted when they are otherwise.

3. (2.) But the intention of the rule is more: for it means, that all the addresses and preparations to criminal and forbidden actions are also forbidden. Thus because Christ gave a law against fornication, he hath also forbidden us to tempt any one to it by words, or by wanton gestures, or lascivious dressings; and she fornicates that paints her face with idle purposes.

4. (3.) It is also meant concerning temptations to a forbidden instance; for they also are forbidden in the prohibition of the crime; which is to be understood with these cautions:

5. (1.) If the temptation be in a natural and direct order to the sin, it is forbidden, where the sin is. Thus because lusts of the flesh are prohibited, it is also our duty, that we do "not make provision for the flesh to fulfil the lusts of it." Eating high and drinking deep are actions of uncleanness, as well as of intemperance: and in the same proportion also is every thing, that ministers directly to the lusts of the lower belly, though in a less degree; as lying soft, studying the palate, arts of pleasure and provocation, enticing gestures: with this caution;—

6. (2.) If the effect be observed in these less and lower instances, then they are directly criminal: for whatsoever did bring a sin and is still entertained knowingly and choosingly, is, at least by interpretation, chosen for the sin's sake: but first and before the observation, it may enter upon another account; which if it be criminal, to that these instances are to be reckoned, and not to that sin to which they minister unknowingly.

7. (3.) Every temptation is then certainly to be reckoned as a sin, when it is procured by our own act; whether the temptation ministers to the sin directly or accidentally: for if we can choose it, it can have no excuse: "tute quod intristi, tibi comedendum est:" and unless the man be surprised, his choosing of an instrument to sin withal, is not for the sake of the instrument, but for its relation: and this is true, although the usual effect does not follow the instrument. For there is sometimes a fantastic pleasure in the remembrances of sin, in the approaches of it, in our addresses to it: and there are some men who dare not act the foul crime, who yet love to look upon its fair face: and they drive out sin as Abraham did Ishmael, with an unwilling willingness, (God knows,) and therefore give it bread and water abroad though no entertainment at home, and they look after it, and are pleased with the stories of it, and love to see the place of its acting:

> Hic locus, hæc eadem, sub quâ requiescimus, arbor,
> Scit quibus ingemui curis, quibus ignibus arsi;

and they roll it in their minds: now that they go but thus far, and love to tempt themselves by walking upon the brink of the river, and delight themselves in viewing the instrument of their sin, though they use it no further, they have given demonstration of their love of sin when they make so much of its proxy.

8. But there are others, who have great experience of the vanity of all sin, and the emptiness and dissatisfaction that is in its fruition,—and know as soon as ever they have enjoyed it, it is gone, and that there is more pleasure in the expectation than in the possession;—and therefore they had rather go towards it than arrive thither; and love the temptation better than the sin: these men sin with an excellent philosophy and wittiness of sinning; they love to woo always and not to enjoy, ever to be hungry and sitting down to dinner, but are afraid to have their desires filled; but if we consider what the secret of it is, and that there is in these men an immense love to sin, and a perfect adhesion to the pleasure of it, and that they refuse to enter lest they should quickly pass through,—and they are unwilling to taste it, lest they should eat no more,—and would not enjoy, because they will not be weary of it; and will deny any thing to themselves, even that which they most love, lest for a while they should loathe the beloved sin; we shall see reason enough to affirm these men to be the greatest breakers of the laws of Jesus Christ; though they only tempt themselves and handle the instruments of sin, and although these instruments serve nothing but the temptation, and the temptation does not serve the sin, whither in its own nature it is designed.

9. (4.) If the temptation be involuntary, then it is not imputed: and yet this is to be understood with this provision; that it be neither chosen directly, nor by interpretation; that is, that it be not entered into by carelessness, or confidence, or choice. If it be by choice, then it is directly against that law of Christ, which forbids that sin whither

the temptation leads; but if it enter by carelessness or confidence, it belongs not to this rule; for although every such temptation is against the laws of Christ, yet they are not under the same law, by which the effect is prohibited,—but unlawful, because they are against christian prudence and christian charity.

RULE VIII.

The suppositive Propositions with the supervening Advices of our blessed Saviour, are always equivalent to Matter of Duty, and are, by Interpretation, a Commandment.

1. THIS rule is intended as an explication of the precepts of prayer, alms, and fasting: all which our blessed Saviour, in his sermon upon the mount, expressed by way of supposition; which way of expression although it be not a positive and legal expression of a commandment, yet it either supposes a preceding law, or a confirmed practice; or at least that those to whom such words are directed, are willing, and loving, and obedient people, understanding the intimations and secret significations of the Divine pleasure. "When ye give alms, do not blow a trumpet," said our blessed Saviour: "When ye pray, stand not in the corners of the streets; when you fast, do not disfigure your faces." Now concerning prayer and alms there is no difficulty, because our blessed Lord and his apostles have often repeated the will of God in express commandments concerning them; but because of fasting he hath said much less, and nothing at all but these suppositive words, and a prophecy, that his disciples should fast in the days of the bridegroom's absence, and a declaration of the blessed effects of fasting; this hath a proper inquiry and a special difficulty, whether or no these words have the force of a commandment.

2. Concerning which we may take an estimate by those other expressions of our lawgiver concerning alms; which we without further scrutiny know to be commandments, because, in other places, they are positively expressed: and therefore if we can find it so concerning fasting, this inquiry will be at an end. Now concerning this I will not only observe, that the three great heads and representatives of the law, the prophets, and the gospel,—Christ, Moses, and Elias, who were concentrated and enwrapped in one glory upon mount Tabor, were an equal example of fasting,—which, in their own persons, by a miracle, was consigned to be an example and an exhortation to fasting to all ages of religion; and each of them, fasting forty days upon great occasions, told to them who have ears to hear, what their duty is in all the great accidents of their life; but that which is very material to the present inquiry is, that this supposition of our blessed Lord, "When ye fast," was spoken to a people who made it a great part of their religion to fast, who placed some portions of holiness in it, who had received the influence of their greatest, their best, their most imitable examples for religious fasting: and the impression of many commandments, not only relative to themselves, as bound by such a law, but as being under the conduct of religion in general. Such was the precept of the prophet Joel; "Thus saith the Lord, Turn ye even to me, with all your heart, with fasting, and with weeping, and with mourning."[q] Now whatever the prophets said, that related to religion abstractedly or morally, all that is evangelical (as I proved[r] formerly in this book): besides, there was a universal solemn practice of this exercise, under Joshua, at Ai; under the Judges, at Gibeah; under Samuel, at Mizpah: under David, at Hebron: fasts frequently proclaimed, frequently instituted; at the preaching of Jeremy and David, of Joel and Zachary; before the captivity, under it, and after it; in the days of sorrow and in the days of danger; in their religion solemn and unsolemn; after they had sinned and when they were punished; at Jerusalem among the Jews, and at Nineveh amongst the gentiles: now because it is certain, that all this could not be confined to the special religion of the Jews, but was an expression and apt signification and instrument of a natural religion, our blessed Saviour needed not renew this and efform it over again into the same shape, but had reason to suppose the world would proceed in an instance, whose nature could not receive a new reason and consequent change in the whole.

3. This heap of considerations relates to that state of things, in which our blessed Saviour found this religious exercise at his coming. Now if we consider what our blessed Saviour did to it in the gospel, we shall perceive he intended to leave it no less than he found it; for, (1.) He liked it and approved it, he allowed a time to it, a portion of that by which God will be served; and he that gave us time only to serve him, and in that to serve ourselves, would not allow any time to that, by which he was no way served. (2.) We cannot tell why Christ should presuppose that a thing was to be done, which God did not require to be done: such things Christ used to reprove, not to recommend,—to destroy, not to adorn by the superfetation of a new commandment. (3.) These words he speaks to his disciples in the promulgation of his own doctrine, in his sermon upon the mount, which is the great institution and sanction of the evangelical doctrine,—and therefore left it recommended and bound upon them by a new ligature, even by an adoption into the everlasting covenant. (4.) He represents it equally with those other of prayer and alms, which, in this excellent digest of laws, he no otherwise recommends, but as supposing men sufficiently engaged to the practice of these duties: "When ye pray, enter into your chamber," and "When ye pray, say, Our Father," and "When ye fast," be sincere and humble. (5.) He that presupposes, does also establish; because then one part of the duty is a postulate, and a ground for the superstructure of another; and is sufficiently declared by its parallels in the usual style of Scripture. "My son, when thou servest the Lord, prepare thy

[q] Joel ii. 12.

[r] Chap. 2. rule 5.

soul for temptation;" so the son of Sirach:—and again, "When thou hearest, forgive;"[s] and again, "When thou art afflicted, call upon him:" which forms of expression suppose a perfect persuasion and accepted practice of the duty; and is more than a conditional hypothetic; "si jejunatis" hath in it more contingency, but "cum jejunatis" is an expression of confidence, and is gone beyond a doubt. (6.) That exercise which Christ orders and disposes, which he reforms and purges from all evil superinduced appendage, is certainly dressed for the temple and for the service of God; now this of fasting Christ reforms from its being abused, as he did prayer and alms; and therefore left it in the first intention of God, and of a natural religion, to be a service of God, like that of bowing the head, or going to worship in the houses of prayer. (7.) To this duty he promises a reward: our heavenly Father that seeth thy fasting in secret shall reward thee openly: that is, its being private shall not hinder it from being rewarded; for God sees it, and likes it, and loves it, and will reward it.

4. Now for confirmation of all this, and that this was to this purpose so understood by the disciples and followers of our Lord: St. Paul was "in fastings often;"[t] and this was a characteristic note of the ministers of the gospel, "in all things approving ourselves as the ministers of God, in much patience—in watchings, in fastings:"[u] and when Paul and Barnabas were ordained apostles of the uncircumcision, they "fasted[x] and prayed," and laid their hands on them, and so sent them away; and esteemed this duty so sacred, that St. Paul permitted married persons, σχολάζειν, "to appoint vacant times" from their endearments, that they may "give themselves to fasting[y] and prayer:" and the primitive christians were generally such ascetics in this instance of fasting, that the ecclesiastical story is full of strange narratives of their prodigious fastings.

5. Lastly, fasting is an act of many virtues; it is an elicit and proper act of temperance, and of repentance, and of humiliation, and of mortification of the flesh, with its affections and lusts; it is an imperate and instrumental act ministering to prayer, and is called a service of God: so the good old prophetess[z] served God day and night in fasting and prayer; and that which serves God, and ministers so much to religion, and exercises so many graces, and was practised by the faithful in both Testaments, and was part of the religion of both Jews and gentiles, and was the great solemnity and publication of repentance, and part of a natural religion, and an endearment of the Divine mercy and pity; that which was always accounted an instrument of impetration or a prevailing prayer; which Christ recommended, and presupposed, and adorned with a cautionary precept, and taught the manner of its observation, and to which he made promises, and told the world that his heavenly Father will reward it; certainly this can be no less than a duty of the evangelical or christian religion.

6. But, although it be a duty, yet it is of a nature and obligation different from other instances. When it relates to repentance, it is just a duty, as redeeming captives is commanded under the precept of mercy: that is, it is the specification or positive exercise and act of an affirmative duty; it is a duty in itself, that is, an act whereby God can be served; but it becomes obligatory to the man by other measures, by accidental necessities and personal capacities, in time and place, by public authority and private resolution. Not that a man cannot be said to be a true penitent unless he be a faster; but that fasting is a proper, apt, natural, usual, approved expression, and an exercise of repentance: it is more fitted to the capacities of men, and usages of religion, than any other outward act; it hath some natural and many collateral advantages more than other significations of it: and it is like bowing the head or knee in prayer, and is to repentance the same outwardly as sorrow is inwardly; and it is properly the penance or repentance of the body, which because it hath sinned must also be afflicted, according to that of St. James, "Be afflicted, and mourn, and weep: let your laughter be turned to mourning, and your joy to heaviness: humble yourselves in the sight of the Lord:" that is, "repent ye of your sins:" for all these expressions signify but this one duty, and this great exercise and signification of it are so much a duty in the general, that it cannot be omitted without good reason,—nor then neither unless it be supplied by something else, in its just time and circumstances.

7. In order to other ends fasting is to be chosen and preferred before instruments less apt, less useful, less religious, that is, indeed, before the imperate and ministering acts of any kind whatsoever; for it is the best in many respects, and remains such, unless it be altered by the inconveniences or healthlessness of the person.

RULE IX.

The Institution of a Rite or Sacrament by our blessed Saviour, is a direct Law, and passes a proper obligation in its whole Integrity.

1. This rule can relate but to one instance, that of the holy sacrament of Christ's body and blood; for although Christ did institute two sacraments, yet that of baptism was under the form of an express commandment, and therefore for its observation needs not the auxiliaries of this rule. But, in the other sacrament, the institution was by actions, and intimations of duty, and relative precepts, and suppositions of action; as "quoties feceritis," and the like. Now whether this do amount to a commandment or no, is the inquiry; and though the question about the half-communion be otherwise determinable, yet by no instrument so certain and immediate as this.

2. In order therefore to the rule of conscience in this instance I consider, that an institution of a thing, or state of life by God, and by his Christ, is to be

[s] 1 Kings viii. 30. [t] 2 Cor. xi. 27. [u] 2 Cor. vi. 4, 5. [x] Acts xiii. 3, 4. [y] 1 Cor. vii. 5. [z] Luke ii.

distinguished from the manner of that thing so instituted. When a thing is instituted by God, it does not equal a universal commandment; but obtains the force of a precept according to the subject-matter and to its appendant relations. Thus when God instituted marriage, he did not, by that institution, oblige every single person to marry: for some were eunuchs from their mothers' wombs, and some were made eunuchs by men; and some make themselves eunuchs for religious and severe ends, or advantages of retirement and an untroubled life. But "by this institution," say the doctors of the Jews, "every man was at first obliged;" and so they are still, if they have natural needs or natural temptations; but because the institution was relative to the public necessities of mankind, and the personal needs of man, therefore it was not a universal or unlimited commandment; but only so far as it did minister to the necessary end, so far it was a necessary commandment. It was not instituted for eunuchs; but for whom it was instituted, to them it was a remedy against sin, and the support of the world, and the original of families, and the seminary of the church, and the endearment of friendships, and the parent of societies: and until the necessities of the world were abated, and the needs of single persons were diverted, or broken in pieces, by the discipline of a new institution,—it was esteemed infamous, and it was punishable, not to marry.

3. But then if we consider the manner of this thing so instituted, it is certainly a perfect, unalterable, and universal commandment. For although every man in every circumstance be not, by virtue of the institution, obliged to marry; yet if he does marry, by the institution he is tied up strictly, that at no hand he must prevaricate the measures and limits of the institution. He that marries, must marry by that rule and by no other. He must marry one woman only while she is alive: he must leave father and mother and adhere to her; he must treat her with charity and honour; he must use her by the limits of nature and sobriety; he must make her the mother of his family; he must make her serve no desire but what is natural; and so in every thing he is limited to the first institution.

4. The reason is, because a Divine institution is the whole cause, and the entire beginning and the only warranty and legitimation, of the state or of the action: and therefore whatsoever is otherwise than the institution, is not from God, but from ourselves: so that although the institution does not oblige us in all cases to do the thing at all; yet in all cases it obliges us to do it in the manner it is appointed: and in this sense the word is used in good authors, "Nam is, quanquam triennium nutricibus dederit, tamen ab illis quoque jam formandam quam optimis institutis mentem infantium judicat," said Quintilian;[a] "The understanding even of infants is, from the very beginning, to be formed with the best institutions:" that is, with the best laws and precepts of manners. "Institutiones sunt præceptiones, quibus instituuntur et docentur homines," said Laurentius Valla: "The precepts by which men are taught what to do, are called institutions:" —so Quintilian inscribed his books, "de Institutione Oratoria," and Lactantius wrote "Institutions;" that is, "commentaries" on the precepts and laws of christianity. But it hath in it this peculiarity of signification, that the word "institution" does signify properly rules and precepts of manners, properly the measures of practice, or rules teaching us what we are obliged to do. So that institution does not directly signify a commandment, but it supposes the persons obliged, only it superadds the manner and measures of obedience. "Cum ad literas non pertineat ætas, quæ ad mores jam pertinet," &c. says Quintilian;[b] "since that age is not capable of letters, but is capable of manners," they are to be efformed by the best and noblest institutions.

5. And thus it is in the matter of the sacrament, as it is in the matter of marriage. All men are not always obliged to receive the sacrament; for the institution of it being in order to certain ends, and in the recipients certain capacities and conditions required by way of disposition, there can be but a relative, and therefore a limited commandment of its reception: but to them who do receive it, the institution is a perfect indispensable commandment for the manner in all the essential parts, that is, in all which were intended in the institution. Now whence I argue,

Whatsoever is a part of Christ's institution of the sacrament, is for ever obligatory to all that receive it.

But the sacrament in both kinds is a part of the institution of the sacrament: therefore,

It must for ever oblige all that communicate or receive it. That first proposition relies upon the nature of Divine institutions, which giving all the authority and warranty to the whole action, all its moral being and legitimation, must be the measure of all the natural being, or else it is not of God, but of man. "Indignum dicit esse Domino, qui aliter mysterium celebrat, quam ab eo traditum est: non enim potest devotus esse, qui aliter præsumit quam datum est ab auctore," saith St. Ambrose;[c] "St. Paul saith, "He is unworthy of the Lord who celebrates the mystery otherwise than it was delivered by him: he cannot be devout who presumes otherwise than it was given by the author:" and to this purpose are those severe words of the apostle; "Si quis evangelizaverit præter quod accepistis," "If any man preach any other gospel than what he have received, let him be anathema;"[d] that is, from Christ we have received it; and so as we received it, so we deliver it; and so it must descend upon you without the superfetation of any new doctrine.

6. And indeed how is it possible to pretend a tradition from Christ by the hands of his apostles, and the ministry of the church, if we celebrate it otherwise than Christ delivered it? "Religioni nostræ congruit, et timori, et ipsi loco, et officio sacerdotii nostri custodire traditionis Dominicæ veritatem. Et quod prius videtur apud quosdam erratum, Domino monente corrigere, ut cum in claritate suâ et majestate cœlesti venire cœperit, inveniat nos tenere quod

[a] Lib. i. c. 2. [b] Ubi supra. [c] In 1 Cor. xi. [d] Gal. i.

monuit, observare quod docuit, facere quod fecit;" they are the excellent words of St. Cyprian,[e] and perfectly conclusive in this article. For there were some, who, out of an impertinent pretension of sobriety, would not use wine, but water, in the sacrament; the instrument by which St. Cyprian confutes their folly, is a recourse to the institution. See, how did Christ deliver it: "Invenimur non observari à nobis quod mandatum est, nisi eadem quæ Dominus fecit, nos quoque faciamus:" "Unless we do what Christ did, we do not observe what he commanded;" —plainly implying, that the institution itself was a commandment: "we must hold what he admonished, we must observe what he taught, we must do what he did." Not every thing done at the time of the institution, but, "every thing of it." "For," says he, "Christ did institute it after supper, but we in the morning. But every thing by which he did signify what he did exhibit, and exhibit what he did promise, every such thing was a part of the institution, and cannot be changed." And therefore St. Paul, when he instructs the Corinthians in the mystery of the holy eucharist, uses no demonstration of the rites but this: "I have received this of the Lord:" and, "This I have delivered unto you. Other things I will set in order when I come;"[f] that is, "Whatsoever I did not receive from the Lord Jesus; whatsoever was not of his institution, I have power to dispose of; but not of any thing which he appointed."

7. (1.) Now there is no peradventure, but the apostles understood this institution to be a commandment, οὕτως παρέδωκαν ἐντετάλθαι αὐτοῖς τὸν Ἰησοῦν· said Justin Martyr,[g] speaking of the distribution of the bread and wine, ἑκάστῳ τῶν παρόντων, "to every one that was present," he says that "the apostles did deliver that Jesus so commanded them." For what commandment have we to consecrate in bread and wine? What precept is there, that the consecration should be by a priest? Nothing but the institution. For if it be said, that Christ added the preceptive words of "Hoc facite," "This do in remembrance of me."—I reply, He did so: but "Hoc facite" is no commandment of itself, but when it is joined with, "in mei commemorationem," "in remembrance of me;"—that is, when ye remember me, then do thus: so St. Paul[h] more expressly, "This do, as often as ye drink it, in remembrance of me." Therefore "Hoc facite" will be but ill expounded to be a commandment for the priests' consecration, unless it borrow all its force from the whole institution: for it plainly says only this; "When ye remember me, then do this which ye see me do." But "Hoc facite" does not signify any particular commandment, but that which is relative to the whole action; and all the discourses of mankind can never extract any other signification.

8. But, (2.) The apostles received an express commandment; "Drink ye all of this."—If therefore Christ instituted the sacrament for the whole church, and that they were the representatives of the whole body of Christ,—then all the whole church, when they communicate, are bound by the commandment to receive the chalice. But if they did not represent the whole church, then where shall we find a warranty that the people may receive it all? For if they received only in the capacity of clergymen, then the institution extends no further; and it is as much sacrilege for the people to eat and drink the symbols as to offer at the consecration. But if they received in the capacity of christians only, then they received the commandment of drinking in the chalice for themselves and for all christians.

9. And indeed the apostles were not then priests. —"True," say they of the church of Rome, "they were not;" but James Payva, a Portuguese, in the council of Trent, talked merrily, and said that "the apostles as laics received the bread; but then when Christ said, 'Hoc facite,' 'This do,' he made them priests; and then gave them the chalice as representatives of the clergy, not of the people." But as merry a fancy as this seemed then, it was found to be the best shift they had; and therefore, upon better advice, it was followed by Canasius, Suarez, Bellarmine, and divers others. But if this be stood upon, besides that it must be crushed to nothing by the preceding argument, the pretence itself crosses their own devices. For if it be said, that the apostles were made priests by "Hoc facite," spoken before the institution of the chalice,—then "Hoc facite" does not signify, "Offerte sacrificium," and consequently cannot make them priests, that is, (with them,) "sacrificers;" for, by their own doctrine, to offer both kinds is necessary to its being a sacrifice. Since therefore the first "Hoc facite" (which indeed is the only one mentioned by the evangelists) can but relate to the consecrating of the bread,—as the second (mentioned by St. Paul) does to the consecrating of the chalice,—either they are priests without a power of sacrifice; or the sacrifice is complete without the chalice; or else they were not then made priests when Christ first said, "Hoc facite;" and if they were by the second, besides that a reason cannot be fancied, why the same words should, and should not, effect so differing changes, without difference in the voice, or in the action, or in the mystery,—besides this, I say it is plain that Christ reached the cup to them, commanding them all to drink before he made them priests, that is, they received the chalice as representatives of the people: for being laics at least till all that ceremony was done, they did represent the people; and consequently as such, received a commandment to drink. Let them choose by what part they will be reproved. Every one of these overthrows their new doctrine, and all of them cannot be escaped. But let it be considered, whether it be likely that Christ should at one time institute two sacraments (for they pretend ordination to be as very a sacrament as the Lord's supper) of so different natures, and yet speak nothing of the use or the reason, the benefit or the necessity, of one of them: nor tell them that he did so, nor explicate the mystery, nor distinguish the rite, or the words, but leave it to be supposed or conjectured by the most imperfect and improbable construction in the world. But suppose it; yet at

[e] Ad Cæcil. lib. 2. ep. 3. [f] 1 Cor. xi. 23, 34. [g] Apol. 2. [h] 1 Cor. xi. 25.

least it must be confessed that the words which Christ used, and the same ritual, must, in the apostles' ministry, be able to effect the same grace: and if so, then a priest hath power to ordain priests; for he hath power to say, "Hoc facite," in all the same meanings which Christ had, when he used them: and if this be not accepted, yet at least a bishop may ordain all the congregations' priests, if he please,—by saying of one mass; which are pretty fancies and rare propositions in our divinity.

10. To which I add this consideration, that if our blessed Lord did, by those words of "Hoc facite," make his disciples priests, then they were priests before the Lord himself; for although he was designed for ever, yet he was consecrated on the cross, there he entered upon his priestly office; but officiates in that office not on earth but in heaven; "for if he were on earth, he should not be a priest," saith St. Paul; [i] therefore, being consecrate on the cross, he ascended into heaven to be there "our priest for ever, there making intercession for us." Now it were strange, if the apostles should be declared priests before the consecration, or first sacerdotal action, of their Lord: or that they should be priests without the power of the keys, without the commission to baptize in the name of the Father, Son, and Holy Ghost; for these were given afterwards. But this device is so very a dream, so groundless and airy a phantasm, so weakly laid, and employed to such trifling purposes, that it needs no further inquiry into it;—it was raised to serve the end of this question, to answer an objection, and pretends no strength of its own, neither can it weaken that which hath; and that it is indeed only pretended for a shift, and intended to operate no further, appears in this manifestly; because, if the apostles did drink of the chalice in the capacity of being priests, then it ought to be followed, at least so far; and all the priests that are present, ought to receive the chalice,—which because they do not in the church of Rome, it is apparent they prevaricate the institution; and that they may exclude the laity from the cup, they use their clergy as bad, when themselves do not officiate.

11. (3.) This trifling pretence being removed, it remains that the words of institution, "Drink ye all of this," be also the words of a commandment; and although they were spoken to the apostles only, as being only present, yet the precept must equally concern all christians and disciples of Christ. Just like those of "Watch and pray, lest ye fall into temptation;" [k] and "Unless ye be converted and become as little children, ye shall not enter into the kingdom of God:" [l] which were spoken only in the presence of the apostles: but as these precepts and moral rules concern all christians; so do the words of institution of the holy sacrament and commandment of "Drink ye all of this." For, "oportet cœnam Dominicam esse communem, quia ille omnibus discipulis suis, qui aderant, æqualiter tradidit sacramenta," said St. Jerome: [m] "the Lord's supper is common to all, and so ought to be; because our Lord did equally deliver it to all that were present:" and upon this very account Durandus affirms, "In primitivâ ecclesiâ, singulis diebus, omnes qui celebrationi missarum intererant, communicare solebant, eo quod apostoli omnes de calice biberunt, Domino dicente, 'Bibite ex eo omnes:'" "In the primitive church all that were present, did, every day, receive, because the apostles did all drink of the chalice, and the Lord said, 'Drink ye all of this.'" [n]

12. And this appears, beyond all contradiction, to have been so intended. So St. Ignatius: [o] "There is one bread broken to all, καὶ ἓν ποτήριον τοῖς ὅλοις διανεμηθὲν, and one chalice distributed to all;" —and "there is no difference in this between the priest and the people," said St. Chrysostom; [p] and it is evident that St. Paul gives the same commandment of drinking the chalice, as of eating the bread; six times distinctly mentioning both the symbols, and directing the rule and the precepts of eating and drinking "to all that are sanctified in Christ Jesus," [q] even to all who are to examine themselves; for "let a man examine himself, and so let him eat of that bread and drink of that cup:" [r] and that it was so the custom of the church, and their doctrine, that all are to receive the chalice, that there was no scruple made by the church concerning it,—we are fairly induced to a belief, by the addition made to the Greek text of 1 Cor. x. 17, by the vulgar Latin; for whereas it is in the Greek, "We all partake of the same bread," the vulgar Latin adds, "et de uno calice," "and of the same cup."—This I the rather note, because the Jesuits of Cologne did use this for an argument of the half-communion; "because, when St. Paul had spoken of the consecration, he mentions breaking bread, and drinking the cup; but when he speaks of sumption or participation, he only mentions the bread:" now supposing that, yet that defect is supplied by the vulgar Latin, the author of which knowing the universal custom of the church and the doctrine of it, supplied that out of the sentence of the church, which is not in the Greek text. Though if it had not been, yet the argument would have been just nothing, as being a conclusion drawn from a particular negative in one place; and against his custom in other places, and besides the institution.

13. For the doctrine and practice of the church are so notorious in this article, that in the Greek church there was never any variety in it; and to this day it is used, as it was in the beginning, and in all the intermedial ages: and in the Latin church for a thousand years it was not altered; nay, to this day the church of Rome sings in the hymn upon Corpus Christi day,

> Dedit fragilibus corporis ferculum,
> Dedit et tristibus salutis poculum,
> Dicens, "Accipite quod trado vasculum:
> Omnes ex eo bibite."

"He gave his body to be the food of the weak, and the cup of salvation to the sorrowful, saying, 'Take

[i] Heb. viii. 4. [k] Matt. xxvi. 41. [l] Matt. xviii. 3.
[m] In 1 Cor. xi. [n] Ration. lib. 4. c. 1.
[o] Ep. ad Philad. [p] Sup. 1 Cor. xi. et sup. 2 Cor. hom. 18.
[q] 1 Cor. i. 1, 2. [r] 1 Cor. xi.

this vessel that I reach unto you, Drink ye all of this.'" Indeed it was often attempted to be changed upon the interest of divers heresies and superstitious fancies, and rare emergencies. For,

14. (1.) It was attempted to be omitted in the time of St. Cyprian, when some impertinent people would have water only; but not the chalice of the Lord's institution in the fruit of the vine; but these men's folly went not far, for being confuted and reproved by St. Cyprian[s] in a letter to his brother Cæcilius, I find no mention of them afterwards.

15. (2.) It was attempted to be changed upon occasion of the Eremites, who coming but seldom to church, could but seldom receive the chalice, but desiring more frequently to communicate, they carried the consecrated bread with them into their cells; and, when they had a mind to it, in that imperfect manner did imitate the Lord's supper. That they did so is certain, that they had no warrant for so doing is as certain; and therefore their doing so can be no warrant to us to do as they did,—much less ought it to be pretended in justification of the denying the chalice to the whole laity, when they desire it and may have it. However, this unwarrantable custom of the Eremites was taken away by the first council of Toledo in the year 390, and afterwards again forbidden in the year 500, by the fathers met in council at Cæsar Augusta. The words of the council of Toledo[t] are these: "Si quis autem acceptam à sacerdote eucharistiam non sumpserit, velut sacrilegus propellatur:" but this is more fully explicated in that of Cæsar Augusta; "Eucharistiæ gratiam si quis probatur acceptam non consumpsisse in ecclesiâ, anathema sit in perpetuum:" so that under the pain of a perpetual curse, and under the crime of a sacrilege, they were commanded to spend the eucharistical symbols in the church; and this took from them all pretence of the necessity in some case of not receiving the chalice.

16. (3.) In the time of Pope Leo I. the Manichees, who abstained from wine as an abomination, would yet thrust themselves into the societies of the faithful, and pretend to be right believers; but St. Leo[u] discovered them by their not receiving the chalice in the holy eucharist; and whereas they would have received in one kind only, he calls it sacrilege; and reproves them with the words of St. Paul;[x] "Mark them which cause divisions amongst you, and offences contrary to the doctrine which ye have received." This was about the year 449.

17. (4.) Awhile after, about the year 490, some had gotten some superstitious fancy by the end; and, out of reverence to the holy sacrament, or some other device of their own, they thought it fit to abstain from the consecrated chalice: but Pope Gelasius made short work with them; he condemned their superstition, and gave sentence,[y] "Aut integra sacramenta percipiant, aut ab integris arceantur," "Either all or none:" drive them from the holy bread, if they refuse the sacrament of the Lord's blood.

18. (5.) The church had sometime, in extraordinary cases, as in communicating infants or dying people, dipped the holy bread into the chalice, and so ministered the sacrament: upon occasion of which, some fell in love with the trick, and would have had it so in ordinary ministrations: we find it mentioned in the history of Serapion in Eusebius, and in St. Cyprian "4. de Lapsis," and in Prosper.[z] But against this breach Pope Julius opposed himself and stood in the gap, declaring it to be against the Divine order, and apostolical institutions, and contrary to the doctrine of the gospel and of the apostles and the custom of the church; and his words[a] are remarkable to show from whence this article is to be adjusted and determined: "Non difficile hoc ab ipso fonte veritatis probatur, in quâ ordinata ipsa sacramentorum mysteria processerunt;" "The very ordination or institution of the sacrament is the fountain from whence we are to derive the truth in this inquiry." But when this superstition was again revived about the year 580, the now-mentioned decree of Pope Julius was repeated in the third council of Braccara, and all set right again according to the perpetual custom of the church, and the institution of our blessed Lord, and their pretence (which was lest they should spill any thing of the holy chalice) laid aside as trifling and superstitious.

19. (6.) And yet after all these motions made by heretics and superstitious persons, and so many cautions, suppressions, and decrees against them: about the year 920, the order of Cluniac monks did communicate with the bread dipped in the chalice, as Cassander[b] reports: and about the year 1120, it was permitted in some churches so to do: for by this time the world was so rude and ignorant, that they knew little of the mysteries of religion, and cared less; so that, for the danger of effusion of the holy wine, they in some places chose that expedient: which although it was upon great reason condemned by Pope Julius and the council of Braccara, yet it is a great argument that they still believed it necessary to communicate under both symbols.

20. (7.) But about the time that the schoolmen began to rule the chair, this danger of spilling the chalice wrought so much in their wise heads, that they began, about the year 1250, in some churches to leave out all use of the chalice, excepting to the priests, and some great men who would be careful not to spill. This was but in "some churches," said Aquinas;[c] and it was permitted to all the priests present, "de quibus præsumitur quod magis sint cauti;" and to some grandees of the people too for the same reason, as we find in Richard Middleton, Innocent IV. and Petrus de Tarantasia.

21. (8.) But by little and little the abuse went further, and grew confirmed, and miracles pretended and invented, as Alexander of Ales reports, to stop the outcries of certain religious, who were extremely

[s] Lib. 2. ep. 3.
[t] Can. 14.
[u] Serm. 4. quadragesim.
[x] Rom. xvi. 17.
[y] Can. Comper. de Consecrat. dist. 2.
[z] De Promiss. c. 6. et 26. q. 6. c. 15. in Decr.
[a] Ep. ad Episc. Ægypt. de Consecrat. dist. 2. can. Cùm omne.
[b] Lib. 2. c. 35.
[c] 3. part. sum. q. 80. art. 12. 4. lib. Sent. dist. 11. art. 2 q. 1

troubled at the loss of the chalice: and now at last it became the general custom of the western churches; and it grew scandalous to desire it; and it was established into a doctrine in the council of Constance, and the institution of Christ and the custom of the primitive church were openly defied, taken notice of, and so laid aside, and anathema pronounced on them that should insist upon their right, or deny whole Christ to be under each kind, in the council of Trent; and so it abides at this day.

22. The question being now reduced to this short issue;—"whether under each kind whole Christ be received:"—it is not unworthy a short inquiry, concerning the truth, and concerning the consequence of it.

23. (1.) For the truth.—I consider that the effect of external rituals and ceremonials cannot be disputed philosophically; as we inquire into the portions of effect, which every herb hath in an infusion; but we are to take and use them in the simplicity of their institution; leaving them under that secrecy of their own mysteriousness, in which they were left in their first appointment and publication. The apostle explicating the mysteries of our religion, saith, that "Christ was delivered" (meaning unto death) "for our sins, and was raised again for our justification;"[d] and yet that "we are justified by his blood."[e] Upon these accounts we can say, that by Christ's death and by his resurrection we are justified,—and therefore we are to be partakers of both; but because we are "justified by faith in his blood," it will at no hand follow we may let alone our faith, or neglect to procure our part in his resurrection. So it is in the symbols eucharistical: supposing it had been said of the bread, "This is Christ," or, "This is the death of Christ," and the same said of the chalice; yet one alone is not sufficient to be received, when both are instituted; for as all the mysteries of our redemption are effective to our pardon and salvation; so are both the symbols of the eucharist to our reception of Christ; and baptism or absolution may better be pretended to the exclusion of the whole eucharist, than the sufficiency of bread to the exclusion of the chalice; for remission of sins is perfectly the grace of baptism; and those sins return not, but in the case of apostasy: but what is the effect of bread alone, is no where told; but that it is the commemoration or remembrance of the broken body of Christ, and the communication of that body; but then the chalice is also the remembrance of Christ's blood poured forth, and the exhibition of that which is for the remission of sins: and how these two do work that in us which we hope for, we know not, but that they work as mysteries and sacraments do work, but not as herbs, or natural agents, that we may believe.

24. (2.) I consider, that when Christ appointed to the two symbols two distinct significations, and that we believe that the sacraments exhibit to worthy communicants what they represent to all,—it must be certain that all Christ, that is, that all the benefits of Christ, are not conveyed by each, which are conveyed by both,—because, as they signify, so they exhibit; but they do not each signify what both together do. The breaking of the body does not signify the effusion of the blood; neither does the shedding of the blood signify the breaking the body: and to think that the reduplication of the symbols is superfluous, is to charge Christ with impertinency; and if it be not superfluous, then there is something of real advantage by both that is not in each. I will not venture to assign to each their portion of effect; for what they have, they have not naturally, but by Divine donation and appointment; and therefore I will not take notice, that the same chalice is representative and effective of union and charity, (though that is usual enough in societies and friendships,—

——Pylades, Marce, bibebat idem,) MART. vi. 11.

but this I shall observe, that the whole effect of the sacrament is equally attributed to the worthy receiving the chalice as to that of the bread; and therefore St. Remy caused these verses to be written on the chalice:

Hauriat hinc populus vitam de sanguine sacro,
Inflicto æternus quem fudit vulnere Christus:

"Let the people from hence draw life issuing from the wounds of Christ:"—now whatsoever effect is attributed to one, is not in exclusion of the other, but in concomitance with it: and therefore, as it would be a strange folly to dispute what benefit we receive by Christ's flesh distinctly, and how much of our redemption is wrought by his blood, and it could have no use and no certainty,—so it would be as strange to say there is so much distinctly in the holy bread, so much in the wine; and it is worse to attribute to one that which can be employed to exclude the other: and it is certain there can be nothing said of advantage that either one or the other hath; and therefore the chalice may exclude the bread, as well as the holy bread the chalice, both alike, that is, indeed neither.

25. But it is to be observed, that in this inquiry, the question cannot be concerning the receiving Christ; but of receiving the sacrament of Christ, of his body and of his blood. For we receive Christ in baptism, and we receive Christ by faith; and yet nevertheless we are to receive the sacraments of Christ's body and blood: and therefore suppose we did receive Christ in the holy bread, yet that bread is but the sacrament of his broken body; and therefore we must also receive the sacrament of his blood spilt for us; or else we omit to receive the one half of the sacrament. And if the question were only about receiving Christ, we might pretend the whole sacrament to be needless; because a spiritual communion and faith alone will do that work; but yet faith alone, or the spiritual communion, does not give us the sacrament, nor obey Christ in this instance, nor commemorate and represent his death, which is the duty here inquired of, and here enjoined.

26. (1.) And therefore the dream of the church of Rome, that he that receives the body, receives

[d] Rom. iv. 25.

[e] Rom. v. 9.

also the blood, because, by concomitance, the blood is received in the body,—is neither true nor pertinent to this question. Not true, because the eucharist being the sacrament of the Lord's death, that is, of his body broken, and his blood poured forth, the taking of the sacrament of the body does not by concomitance include the blood; because the body is here sacramentally represented as slain and separate from blood: and that is so notorious, that some superstitious persons A. D. 490, refused the chalice, because, said they, "the body of Christ represented in the holy sacrament, 'exangue est,' 'it is without blood;'" but now the Romanists refuse the chalice, because the body is not without blood. They were both amiss; for it is true the body is represented sacramentally as killed, and therefore without blood, which had ran out at the wounds; and therefore concomitance is an idle and an impertinent dream: but although the body is without blood in his death, yet because the effusion of the blood is also sacramentally to be represented, therefore they should not omit the chalice.

27. But as to them of the Roman church; if the blood be in the body by concomitance, and therefore they who receive the body receive also the blood; —then they who sacrifice the body, do also sacrifice the blood; and then it will be no more necessary to celebrate in both kinds than to communicate in both. And indeed though the Roman schools will not endure that the "sacrifice," as they call it, or the consecration, should be in one kind, yet Volaterranus says that "Pope Innocent VIII. gave leave to the Norwegians to sacrifice in bread only;" certain it is the priest may as well do so, as the people receive in one kind; for the people do, in their manner, as much celebrate the death of Christ as the priest,—nor he alone, nor they alone, but the whole action is the due celebration: however, the argument of concomitance concludes, equally, against the celebration in both kinds, as against the participation; and why the priest should be obliged to drink the chalice, and cannot be excused by concomitance, and yet the people are not obliged, but are excused by that pretension, abating the reasons of interest,—cannot easily be imagined.

28. Certain it is, they had other thoughts in the council of Turin; for when they considered the necessities of sick and dying people, they appointed the consecrated bread to be sopped in the consecrated chalice; adding this reason, "ut veraciter presbyter dicere possit, 'Corpus et sanguis Domini nostri Jesu Christi proficiat tibi in remissionem peccatorem et vitam æternam;'" "that the priest may say truly, 'The body and blood of our Lord Jesus Christ be profitable unto you for the remission of your sins and unto life eternal.'" If they had then understood the device of concomitance, they would have known, that the priest might have said so truly, without sopping the holy bread in the chalice: but the good fathers had not yet learned the new metaphysics.

29. (2.) Now for the consequence of this pretension; I consider that let the thing be as true as the interested persons would have it,—yet it is not well that we should dispute against a Divine institution upon a pretence of our vain arguings. The apostles, with great simplicity, took in both kinds at that time, in which only the device of concomitance was or could be true; for then when they received it, the blood was in the body of Christ: but it was sacramental of the blood to be poured out the next day; however, they obeyed with simplicity and without inquiry, and never feared spilling, nor argued, nor sought excuses; such simplicity would equally become us: and as to the usefulness of receiving in both kinds, although it will ill become any man to argue concerning the usefulness of a Divine institution,—and to pretend excuses against Christ, upon the account of a philosophy of their own invention, is very much unlike the spirit of humility and wisdom and obedience, which ought to be the investiture of a christian's heart and the tiara of his head; yet I observe, that even in this particular the disadvantage is not little.

30. For if receiving the sacrament be of any advantage to souls, then it is certain he that does not receive it, is a loser; and yet he that does not receive the chalice, does not receive the sacrament, but a piece of it only; now in sacraments, half is as good as none: as he who should only dip a child in pure water, and yet not invocate the Trinity,—should do nothing at all with his half baptism; so it is certain, that the effect of a sacrament is not imparted by a half communion. And therefore Alexander of Ales[f] said well, "Sumpto hoc sacramento digne in utrâque specie, major est effectus unius corporis mystici cum capite, quam sumpto sub alterâ:" and in another place[g] he says, to receive under both kinds is, "majoris meriti tum ratione augmentationis devotionis tum ratione fidei dilatationis actualis, tum ratione sumptionis completioris:" "it is of greater merit or value, there is a greater mystical union between the head and the members, a greater increase of devotion, a larger and more actual extent of faith, and a more complete sacramental reception of Christ himself." To the same purpose there are good things spoken in Albertus Magnus[h] and in Thomas Aquinas,[i] Bonaventure,[k] and Petrus de Palude,[l] and divers others, all agreeing that one alone does not make a sacrament but a piece of one; and that there is advantage by both kinds, which is not to be had in one: which advantage if it be spiritual, (as it is, if it be at all,) then he that robs the people of a spiritual good, which our blessed Lord hath designed for them and left unto them, is sacrilegious and profane; it is uncharitable and it is impious. I say, it is impious.

31. For it is not to be despised, that our blessed Lord gave this sacrament as his last will and testament; and though he gave it in his body and blood, yet he expressed only "the new testament in his blood;" and for any church to violate the testament of our blessed Lord, however men may make no great matter of it; yet it will receive a punish-

[f] Quæst. 32. mem. 1. art. 2
[g] Quæst. 53.
[h] 4. Sent. dist. 8. art. 13.
[i] 3. part. Sum. q. 66. art 2.
[k] Dist. 8. q. 2.
[l] Dist. 11. art. 1.

ment, according as God sets a value upon it: and he that shall pluck one seal from a testament, and say that one is as good as two, when two were put to it by the testator, cannot be excused by saying it was nothing but a formality and a ceremony. God's ceremonies are bound upon us by God's commandment; and what he hath made to be a sign, does signify and exhibit too: and as the brazen serpent, though it was but a type or shadow of the holy crucifix, yet did real cures; so can the symbols and sacraments of the crucifixion, being hallowed by the Divine institution, and confirmed by his power; and therefore a violation here is not to be called only a question in a ceremony: it is a substantial part of the christian religion, it is the sanction of the New Testament, the last will of our dying Lord. "Now if it be but a man's testament," saith St. Paul,[m] "yet no man disannulleth or addeth thereto," and therefore to disannul or lessen a portion of the testament of the Son of God must needs be a high impiety. "Testamentum, quia individuum est, pro parte agnosci et pro parte repudiari non possit," says the law.[n] If you repudiate a part of the will, you must renounce it all; if you permit not to the people the blood of Christ, you hinder them from having a part in the death of Christ, so far as lies in you. Add to this; that this holy mystery being acknowledged by all to be the most mysterious solemnity of the religion, and, by the church of Rome, affirmed to be a proper sacrifice, and so contended for; it would be remembered that our blessed Saviour did adapt and fit this rite to the usages and customs both of Jews and gentiles; amongst whom laws, and societies, and contracts, and sacrifices, were made solemn by effusion and drinking of blood; and instead of blood, amongst the more civil nations, they drank wine: and by that were supposed partakers even of the blood of the sacrifice. Ἀπὸ τούτου γε φασὶ μεθύειν ὀνομάσθαι, (says Philo,) ὅτι μετὰ τὸ θύειν ἔθος ἦν τοῖς προτέροις οἰνοῦσθαι. "To be drunk," viz. in the Greek, "hath its name from their drinking wine after their sacrifices:" and with this custom among the gentiles, and with the paschal ceremony of this nature amongst the Jews, our blessed Lord, complying, loses the wisdom and prudence of it, if the priest shall sacrifice, and the people drink none of the blood of the sacrifice, or that which ritually and sacramentally represents it. The covenant of the gospel, the covenant which God made with us, our blessed Saviour established and ratified with blood: wine was made to represent and exhibit it; he therefore that takes this away, takes away the very sacramentality of the mystery, and "without blood there is no remission." For as he that gives bread and no water, does not nourish the body, but destroy it; so it is in the blessed sacrament; for (that I may use St. Austin's expression which Paschasius and Algerus in this article did much insist upon) "nec caro sine sanguine, nec sanguis sine carne jure communicatur. Totus enim homo ex duabus constans substantiis redimitur, et ideo carne simul et sanguine saginatur:" "neither the flesh without the blood, nor the blood without the flesh, is rightly communicated. For the whole man consisting of two substances, is redeemed, and therefore nourished both with the flesh and the blood." Καὶ οὐ καθάπερ ἐπὶ τῆς παλαιᾶς, τὰ μὲν ὁ ἱερεὺς ἤσθιε, τὰ δὲ ὁ ἀρχόμενος, καὶ θέμις οὐκ ἦν τῷ λαῷ μετέχειν ᾧ μετεῖχεν ὁ ἱερεύς, ἀλλὰ πᾶσιν ἓν σῶμα πρόκειται καὶ ποτήριον ἕν. "It is not now as it was in the Old Testament, where the priest ate one portion, the prince another, and the people another; here it is alike to all, the same body and the same chalice is to all."[o] I end this inquiry with the saying of St. Cyprian:[p] "Si ne unum quidem ex minimis mandatis legis solvere debet, multo minus ex his magnis mandatis, pertinentibus ad ipsum Dominicæ passionis et nostræ redemptionis sacramentum, fas est ullum infringere, vel humanâ traditione mutare:" "If it be not permitted to break one of the least commandments of the law, much less is it to be endured, to break any one, or by human tradition to change any, belonging to the sacrament of our Lord's passion and of our redemption:" and therefore if ever any sect or any single person was guilty of the charge, it is highly to be imputed to the church of Rome, that "they teach for doctrine the commandments of men; and make the commandment of God of none effect by their tradition."

RULE X.

If the Sense of a Law be dubious, we are sometimes to expound it by Liberty, sometimes by Restraint.

1. ALTHOUGH all the laws of Jesus Christ are so legible in the sense intended, that all good men, being placed in their proper circumstances, conducted by the Divine Providence, making use of all their prepared and ready instruments, can certainly read the prime intention and design of God; yet because some laws are so combined with matter, and twisted with material cases, so intricated by the accidents of men and the investiture of actions, that they cast a cloud upon the light of God's word, and a veil upon the guide of our lives; and because the sense of words does change, and very often words cannot be equal with things, it comes to pass, that the laws are capable of different senses: when, therefore, any thing of this nature happens, the first sense of the words is either to be enlarged or restrained according to the following measures.

In what Cases the stricter Sense of the Laws of Christ is to be followed.

2. (1.) When the duty enjoined by the law is in deliberation, and is to be done, we are to use restraint, and take the severer sense of the law. The reason is, because that is the surer way, and hath in it no inconvenience or impossibility; but being it is the matter of choice, in all deliberation for the future we must give sentence for God, and for the interest of religion. Thus when it is commanded we should "judge ourselves, that we be not judged of the Lord;" in the inquiry, which every penitent

[m] Gal. iii. 15. [n] Lib. 7. Jus nostr. Dom. de Reg. Jur. [o] Chrysost. Hom. 18. in 2 Cor. [p] Lib. ep. 3.

man makes concerning the extension of the duty of judging ourselves, if the question be whether judging ourselves means only "to condemn" ourselves for having sinned, and to confess ourselves justly liable to the Divine judgment; or does it also mean "to punish" ourselves, and by putting our own sentence against our sin into a severe execution of that sentence upon ourselves by corporal inflictions? He that can no otherwise be determined in the question, can safely proceed by choosing the severer side; for there is no loss in it, no omission, it contains all that any man can think to be required; and therefore hath in it prudence and charity, caution and regard, to God and to himself.

3. (2.) This is not to be understood only in case there is a doubt no otherwise to be resolved, but by the collateral advantage of the surer side; but this severer sense of the law is of itself most reasonable to be chosen, as being the intended sense and design of the lawgiver, who certainly puts no positive measures to his own laws of love and duty. For since the great design of the law is such a perfection, which must for ever be growing in this world, and can never here arrive to its state and period, that sense which sets us most forward, is the most intended; and therefore this way is not only to quiet the doubt, but to govern and to rule the conscience: this is not only the surer way, but the only way that is directly intended. It is agreeable to the measures of charity, or the love of God, which is to have no other bounds, but even the best we can, in the measures of God and the infirmities and capacities of man.

4. (3.) In the interpretation of the laws of Christ, the strict sense is to be followed, when the laws relate to God and to religion, and contain in them direct matter of piety and glorifications of God, or charity to our neighbour; because in them the further we go, the nearer we are to God, and we are not at all to be stopped in that progression, till we are at our journey's end, till we are in the state of comprehension. To this purpose are those words of Ben Sirach,[q] "When you glorify the Lord, exalt him as much as you can; for even yet will he far exceed; and when you exalt him, put forth all your strength, and be not weary, for you can never go far enough. Who hath seen him that he might tell us, and who can magnify him as he is? There are hid greater things yet than these be, for we have seen but a few of his works:" meaning, that although we cannot glorify God sufficiently for the works of power and mercy which we see and feel, yet because there are very many works, which we see not, and infinite numbers and seas of glories above the clouds, which we perceive not, and cannot understand,—the only measures of religion and the love of God which we are to take, are to "pray continually, to love God always, to serve him without end, to be zealous beyond all measures, excepting those of duty and prudence,—to be religious without a limit, always to desire, always to endeavour, never to rest as long as we can work, never to give over as long as any thing is unfinished;" and consequent or symbolical to all this, that in all disputes of religion we choose the sense of love, not of weariness; that we do not contend for the lesser measures, but strive in all our faculties and desires beyond their strength, and propound Christ for our precedent, and heaven for our reward, and infinity for our measures, towards which we are set forth by our active and quick endeavour, and to which we are to reach by our constancy and desires, our love and the Divine acceptance.

[q] Ecclus. xliii. 30—32.

When the Laws of Christ are to be expounded to a Sense of Ease and Liberty.

5. If to the sense of the duty there be a collateral and indirect burden and evil appendage, the alleviating of that burden is to be an ingredient into the interpretation of the law, and the direct duty is to be done in such measures, as may do the most good with suffering the least evil. This happens in two cases:

6. (1.) If the strict and severer sense of the law be too great for the state and strength of the man, that is, if it be apt to make him despair, to make him throw away his burden, to make him tire, to be weary of and to hate religion,—his infirmities are to be pitied, and the severest sense of the law is not to be exacted of him. "Apices juris non sunt jus," say the lawyers: "The little punctilios and minutes of law are not law;" because if our duty be extended to every little tittle of duty, it were necessary that our observation and attendance should be as particular and punctual; but because that cannot always be actual and intent, particular and incumbent, those things which insensibly pass by the observation of a diligent watchful person, do also inculpably pass by the man. But of this I have already given accounts in another place.[r] For the present I further consider, that charity being the great end of the law, and every law being a design of making a man happy, every commandment of God is then best understood, when it is made to do most good, and rescued from being an occasion of evil. The government of Jesus Christ is most paternal and serene: his rod is not heavy, his commandments are not grievous, his bands are not snares; but they are holiness, and they are liberty, they are "glory to God and good-will towards men."

7. But this at no hand means, that any material or integral part of duty can be omitted, and the omission indulged in compliance with any man's infirmity or danger; for the law is to be our measure, our weaknesses cannot be the measure of the integrity of the law; that infirmity by which we omit any part of duty is a state of sin; and God, who knew all our infirmities, and possibilities or impossibilities of obedience, complied sufficiently in the sanction of the law, and imposed no more burden than was even with our powers: and therefore for what remains we must stoop our shoulder and bear the burden which God's wisdom made reasonable and tolerable, and our necessity and interest make unavoidable, and love will make easy and delectable.

8. But the burden which can be lessened, is the burden of degrees of intension, or any thing which

[r] Doctrine and Practice of Repentance. c. 3.

consists not in a mathematical point, but is capable of growth: whatsoever is of such a nature as is always to increase in this life, in that such abatements may be made as will fit the person and the state; and no man is to be quarrelled at for degrees in the beginnings, or in the first progressions of his piety, only he is to be invited on by proper and fair inducements; and if he stands still always, as he is to be suspected for want of love, so he is to be warned of his danger, and thrust forward by the memory of the best examples. Thus it may not, upon any terms, be permitted to any weak person to do an act of injustice, to blaspheme God, to reproach his father, to be wanton; he may not be allowed to slander his brother, to neglect his children, to despise his wife, to part from her because he is weary of her; for fear the not indulging any thing of this nature to him should provoke him to anger against the religion. We may not give easy answers in cases of conscience, or promise heaven, to them that live evil lives, for fear that our severity should make them forsake our communion and go to the Roman church; that is, we must not allow any man to do one evil to hinder him from another, or give leave to him to break one commandment that we may preserve another. But of this I have already given more particular accounts.[s] That which at present I intend is, that no sin or omission of duty is to be permitted, no law of Christ is to be expounded to comply with us against God; but when a less severe sense is within the limits of duty, that our weaknesses are to be complied withal, is affirmed as being most charitable and necessary. Thus, if it be inquired whether our sorrow for our sins ought to be punitive and vindictive, sharp and sensible as the perception of any temporal evil, as the sorrow of a mother for the death of her only child, this being a question of degrees which cannot consist in an indivisible point, is never limited and determinate; any degree that can consist with the main duty, may be permitted to him whose necessity requires such indulgence; and if he be sorrowful in such a degree as to move him to pray passionately and perseveringly for pardon, to beget in him a wise and a wary caution against temptation, to produce in him hatred against sin, and dereliction of it, a war and a victory, the death of sin and the life of righteousness, the penitent is not to be prejudiced by the degree of his sorrow, or the thickness of its edge, and the commandment is so to be expounded as to secure the duty and secure the man too: and if he be told that a less degree of sorrow than the supreme will not serve his turn, and that the commandment is to be expounded in the greatest and severest measures, he that finds this impossible to him, will let it alone,—for as good never a whit as never the better; but then, he that tells him so, hath laid a snare for his brother's foot, and binds upon his shoulder a burden too heavy for him. For to what purpose can we imagine that there should be a latitude in the commandment, and yet no use to be made of the least degree? and if God cherishes the babes in Christ, and is pleased in every step of our progression, then it is certain that they who are but babes, are to be treated accordingly, and the commandment is to be acted by the proportions of the man. But then if the question be concerning the integrity of the repentance, he that is troubled at heart because he is told that a resolution to leave sin is not enough, that without restitution there is no repentance; he that will kick at religion, because it requires all the duties which integrate the commandment, is not to be complied with, nor permitted to his folly.—I have read of a gentleman who, being on his death-bed,—and his confessor searching and dressing of his wounded soul,—was found to be obliged to make restitution of a considerable sum of money, with the diminution of his estate. His confessor found him desirous to be saved, a lover of his religion, and yet to have a kindness for his estate, which he desired might be entirely transmitted to his beloved heir: he would serve God with all his heart, and repented him of his sin, of his rapine and injustice, he begged for pardon passionately, he humbly hoped for mercy, he resolved, in case he did recover, to live strictly, to love God, to reverence his priests, to be charitable to the poor; but to make restitution he found impossible to him, and he hoped the commandment would not require it of him, and desired to be relieved by an easy and a favourable interpretation; for it is ten thousand pities so many good actions and good purposes should be in vain, but it is worse, infinitely worse, if the man should perish. What should the confessor do in this case? shall not the man be relieved, and his piety be accepted? or shall the rigour and severity of the confessor, and his scrupulous fears and impertinent niceness, cast away a soul either into future misery, or present discomfort? neither one nor other was to be done; and the good man was only to consider what God had made necessary, not what the vices of his penitent and his present follies should make so. Well: the priest insists upon his first resolution, "Non dimittitur peccatum, nisi restituatur ablatum:" the sick man could have no ease by the loss of a duty. The poor clinic desires the confessor to deal with his son, and try if he could be made willing that his father might go to heaven at the charge of his son; which when he had attempted, he was answered with extreme rudenesses and injurious language; which caused great trouble to the priest and to the dying father. At last the religious man found out this device, telling his penitent, that unless by corporal penances there could be made satisfaction in exchange for restitution, he knew no hopes; but because the profit of the estate which was obliged to restitution, was to descend upon the son, he thought something might be hoped, if, by way of commutation, the son would hold his finger in a burning candle for a quarter of an hour. The glad father being overjoyed at this loop-hole of eternity, this glimpse of heaven, and the certain retaining of the whole estate, called to his son, told him the condition and the advantages to them both, making no question but he would gladly undertake the penance. But the son with indignation replied,

[s] Vide book 1. chap. 5. rule 8. n. 16. &c. usque ad finem.

" he would not endure so much torture to save the whole estate." To which the priest espying his advantage, made this quick return to the old man, " Sir, if your son will not, for a quarter of an hour, endure the pains of a burning finger to save your soul, will you, to save a portion of the estate for him, endure the flames of hell to eternal ages?" The unreasonableness of the odds, and the ungratefulness of the son, and the importunity of the priest, and the fear of hell, and the indispensable necessity of restitution, awakened the old man from his lethargy, and he bowed himself to the rule, made restitution, and had hopes of pardon and present comfort.

9. (2.) The other case in which the law is to be expounded to the sense of ease and liberty, is, when the question is concerning outward actions, or the crusts and outsides of religion. For the christian religion being wholly spiritual, and being ministered to by bodily exercises, and they being but significations of the inward, not at all pleasing to God for themselves, but as they edify, instruct, or do advantages to men,—they are in all cases to be exacted, but in such proportions as can consist with charity, which is the life of religion: and therefore if a soul be in danger to be tempted, or overburdened with a bodily exercise, if there be hazard that all religion will be hated, and that the man will break the yoke, if he be pinched in his skin,—it is better to secure the great and internal principle of obedience, than the external instance and expression. This caution is of use in the injunction of fasting-days, and external acts of mortification, which are indeed effects of the laws of Christ, but the measures of these laws are to be such as consist with the great end of the laws, that is, mercy and internal religion. And the great reason of this is; because all external actions are really such as without our fault they may be hindered; there may be some accidents and causes by which they shall not be at all, and there may be many more by which they may be eased and lessened. An external accident, or a corporal infirmity, is to be complied withal in the matter of external ministries; that is, when there is mercy in it: and so must every virtue and inward grace, because it is for the interest of religion. Now what must be permitted in the action ought to be so in the sentence; and that is the meaning of the law, which is either commanded to the strong or indulged to the weak. Add to this, that outward actions of religion are for the weak, not for the strong; they are to minister to weakness and infirmities, and by bodily expressions to invite forward, to entertain; to ferment, to endear the spirit of a man to the purposes of God; but even the body itself shall be spiritual, and it is intended that it shall wholly minister to God in spiritual services hereafter. In the mean time, by outward acts it does something symbolical, or at least expressive of the inward duty. But therefore if the external do disserve the Spirit of God by oppressing the spirit of the man; that whose nature and institution are wholly instrumental, must be made to comply with the end; and therefore must stand there when it is apt to minister to it, but must go away if it hinders it.

10. (3.) In the interpretation of the laws of Christ to a sense of ease and liberty, there must be no limits and lessenings described beforehand; or in general; because any such proceeding would not only be destitute of that reason, which warrants it in some cases, but would evacuate the great purpose of the law in all: that is, it would be more than what is necessary to comply with new and accidental necessities; and to others it would be less than what is intended in the law, it would either tie the weak to impossibilities, or give leave to the strong to be negligent and unprofitable; it would command too much, or permit too much; it would either hold the bridle too hard, or break it all in pieces. But the interpretation and ease must be as accidental as the cause that enforces it, or the need that invites it; that is, every law of Christ intends that we should obey it in the perfection, that we should do it in the best way we can; and every man must do so; but because all cannot do alike, every man's best is alike in the event, but not in the action; and therefore the law which is made for man, must mean no more than every man can do; but because no man is to be supposed to be in disorder and weakness, till he be found to be so, therefore beforehand no compliance or easy interpretation is to be made of the degrees of duty.

11. (4.) No laws of Christ are to suffer diminution of interpretation in the degrees to persons that make themselves weak, that they may bear but a little burden: but the gentler sentence and sense of laws are to be applied to ease the weary and the afflicted, him that desires much and can do but little; to him that loves God and loves religion; to him that endeavours heartily, and inquires diligently, and means honestly; to him that hath every thing but strength, and wants nothing but growth, and time, and good circumstances, and the prosperities of piety. The best indications of which state of persons are these:

Who are truly and innocently weak, and to be complied with.

12. (1.) They are to be complied with who are new beginners in religion, or the uninstructed; they who want strengths not by reason of any habitual sin, but by the nature of beginnings and new changes; for none can more innocently pretend to a forbearance and sufferance than those who have the weakness of infancy. But I added also that the uninstructed have the same pretension, for according as their degrees of ignorance are, so are the degrees of their excusable infirmity. But then by "uninstructed" is only meant such who have not heard, or could not learn; not such who are ever learning and never sufficiently taught; that is, such who love to hear but not to be doers of the word, such who are perverse and immorigerous, such who serve a humour or an interest, an opinion or a peevish sect in their learning. For there are some who have spent much time in the inquiries of religion, whom if you call ignorant, they suppose themselves injured; and yet will require the privileges and compliances of the weak: these men trouble others, and there-

fore are not to be eased themselves; their weakness of state is the impotency of passion, and therefore they must not rejoice in that by which they make others grieved.

13. (2.) They are to be complied with according to the foregoing measures, who in all things where they know and can, do their hearty endeavours, and make no abatement to themselves, but with diligence and sincerity prosecute their duty. For this diligence and sincerity are a competent testimony that the principle of their necessity is not evil, but innocent and unavoidable. Whatsoever is not an effect of idleness or peevishness, may come in upon a fair, but always comes in upon a pitiable account; and therefore is that subject which is capable of all that ease of rigour and severity which the wise masters of assemblies and interpreters of the Divine laws do allow to any persons in any cases.

14. (3.) The last sign of subjects capable of ease, is infirmity of body; and that is a certain disposition to all the mercies and remissions of the law in such cases as relate to the body, and are instanced in external ministries. To which also is to be referred disability of estate in duties of exterior charity; which are to be exacted according to the proportions of men's civil power, taking in the needs of their persons and of their relations, their calling and their quality. And that God intends it should be so appears in this; because all outward duties are so enjoined that they can be supplied, and the internal grace instanced in other actions, of which there are so many kinds that some or other can be done by every one; and yet there is so great variety that no man, or but very few men, can do all. I instance in the several ways of mortification, viz. by fastings, by watchings and pernoctations in prayer, lyings on the ground, by toleration and patience, laborious gestures of the body in prayer, standing with arms extended, long kneelings on the bare ground, suffering contradiction and affronts, lessenings and undervaluings, peevish and cross accidents, denying ourselves lawful pleasures, refusing a pleasant morsel, leaving society and meetings of friends, and very many things of the like nature; by any of which the body may be mortified and the soul disciplined: or the outward act may be supplied by an active and intense love, which can do every thing of duty: so also it is in alms, which some do by giving money to the poor, some by comforting the afflicted, some by giving silver and gold,—others which have it not, do yet do greater things: but since it matters not what it is we are able to do, so that we do but what we are able,—it matters not how the grace be instanced, so that by all the instances we can, we do minister to the grace, it follows, that the law can be made to bend in any thing of the external instance, so that the inward grace be not neglected; but therefore it is certain that because every thing of matter can by matter be hindered, and a string or a chain of iron can hinder all the duty of the hand and foot, God who imposes and exacts nothing that is impossible, is contented that the obedience of the spirit be secured, and the body must obey the law as well as it can.

But there are some other considerations to be added to the main rule.

15. (5.) When the action is already done, and that there is no further deliberation concerning the direct duty, yet the law is not at all to be eased and lessened, if there be a deliberation concerning the collateral and accidental duty of repentance: and this is upon the same reasons as the first limitation of the rule: for when a duty is to be done, and a deliberation to be had, we are in perfect choice, and therefore we are to answer for God and for religion: and this is all one, whether the inquiry be made in the matter of innocence or repentance, that is, in the preventing of a sin or curing of it. For we are in all things tied to as great a care of our duty after we have once broken it, as before; and in some things to a greater; and repentance is nothing but a new beginning of our duty, a going from our error, and a recovery of our loss, and a restitution of our health, and a being put into the same estate from whence we were fallen; so that at least all the same severities are to be used in repentance, as great a rigour of sentence, as strict a caution, as careful a walking, as humble and universal an obedience, besides the sorrow and the relative parts of duty, which come in upon the account of our sin.

16. (6.) But if the inquiry be made after the sin is done, and that there is no deliberation concerning any present or future duty, but concerning the hopes or state of pardon, then we may hope that God will be easy to give us pardon, according to the gentlest sense and measures of the law. For this, provided it be not brought into evil example in the measures of duty afterwards, can have in it no danger: it is matter of hope, and therefore keeps a man from despair; but because it is but matter of hope, therefore it is not apt to abuse him into presumption, and if it be mistaken in the measures of the law, yet it makes it up upon the account of God's mercy, and it will be all one; either it is God's mercy in making an easy sense of the law, or God's mercy in giving an easy sentence on the man, or God's mercy in easing and taking off the punishment, and that will be all one as to the event, and therefore will be a sufficient warrant for our hope, because it will some way or other come to pass as we hope. It is all alike whether we be saved because God will exact no more of us, or because though he did exact more by his law, yet he will pardon so much the more in the sentence: but this is of use only to them who are tempted to despair, or oppressed by too violent fears; and it relies upon all the lines of the Divine mercy, and upon all the arguments of comfort by which declining hopes use to be supported: and since we ourselves, by observing our incurable infirmities, espy some necessities of having the law read in the easier sense, we do, in the event of things, find that we have a need of pardon greater than we could think we should in the heats of our conversion, and the fervours of our newly-returning piety; and therefore God does not only see much more reason to pity us upon the same account; but upon divers others, some whereof we know, and some we know not; but therefore we can

hope for more than we yet see in the lines of revelation, and possibly we may receive in many cases better measure than we yet hope for: but whoever makes this hope to lessen his duty, will find himself ashamed in his hope; for no hope is reasonable but that which quickens our piety, and hastens and perfects our repentance, and purifies the soul, and engages all the powers of action, and ends in the love of God, and in a holy life.

17. (7.) There are many other things to be added by way of assistance to them, who are pressed with the burden of a law severely apprehended, or unequally applied, or not rightly understood; but the sum of them is this.

1. If the sense be hidden or dubious, do nothing till the cloud be off, and the doubt be removed.

2. If the law be indifferent to two senses, take that which is most pious and most holy.

3. If it be between two, but not perfectly indifferent, follow that which is most probable.

4. Do after the custom and common usages of the best and wisest men.

5. Do with the most, and speak with the least.

6. Ever bend thy determination to comply with the analogy of faith, and the common measures of good life, and the glorifications and honour of God, and the utility of our neighbour.

7. Then choose thy part of obedience, and do it cheerfully and confidently, with a great industry and a full persuasion.

8. After the action is done, enter into no disputes, whether it was lawful or no, unless it be upon new instances and new arguments, relating to what is to come,—and not troubling thyself with that, which with prudence and deliberation thou didst (as things were then represented) well and wisely choose.

RULE XI.

The positive Laws of Jesus Christ cannot be dispensed with by any human power.

1. I have already in this book[t] given account of the indispensability of the natural laws, which are the main constituent parts of the evangelical; but there are some positive laws whose reason is not natural nor eternal, which yet Christ hath superinduced; concerning which there is great question made whether they be dispensable by human power.—Now concerning these I say, that all laws given by Christ are now made for ever to be obligatory, and he is the King of heaven and earth, the Head and Prince of the catholic church, and therefore hath supreme power; and he is the "wonderful Counsellor, the everlasting Father, the Prince of Peace," and his wisdom is supreme, he is the wisdom of the Father, and therefore he hath made his laws so wisely, so agreeably to the powers and accidents of mankind, that they can be observed by all men and all ways, where he hath passed an obligation. Now because every dispensation of laws must needs suppose an infirmity or imperfection in the law, or an infirmity in the man, that is, that either the law did infer inconvenience which was not foreseen, or was unavoidable; or else the law meets with the changes of mankind with which it is not made in the sanction to comply, and therefore must be forced to yield to the needs of the man, and stand aside till that necessity be passed: it follows, that in the laws of the holy Jesus there is no dispensation; because there is in the law no infirmity, and no incapacity in the man: for every man can always obey all that which Christ commanded and exacted; I mean, he hath no natural impotency to do any act that Christ hath required, and he can never be hindered from doing of his duty.

2. (1.) And this appears in this: because God hath appointed a harbour whither every vessel can put in, when he meets with storms and contrary winds abroad: and when we are commanded by a persecutor not to obey God, we cannot be forced to comply with the evil man; for we can be secure against him by suffering what he pleases, and therefore disobedience to a law of Christ cannot be made necessary by any external violence: I mean, every internal act is not in itself impedible by outward violence; and the external act which is made necessary, can be secured by a resolution to obey God rather than men.

3. (2.) But there are some external actions and instances of a commandment, which may accidentally become impossible, by subtraction of the material part: so for want of water a child cannot be baptized; for want of wine or bread we cannot communicate; which indeed is true; but do not infer that therefore there is a power of dispensing left in any man or company of men; because in such cases there is no law, and therefore no need of dispensation; for affirmative precepts, in which only there can be an external impediment, do not oblige but in their proper circumstances and possibilities: and thus it is even in human laws. No law obliges beyond our power; and although it be necessary sometimes to get a dispensation even in such cases, to rescue ourselves from the malice or the carelessness, the ignorance or the contrary interests, of the ministers of justice, who go by the words of the law, and are not competent or not instructed judges in the matter of necessity or excuse, yet there is no such need in the laws of God. For God is always just and always wise, he knows when we can and when we cannot; and therefore as he cannot be deceived by ignorance, so neither can he oppress any man by injustice, and we need not have leave to let a thing alone, which we cannot do if we would never so fain; and if we cannot obey, we need not require of God a warrant under his hand, or an act of indemnity, for which his justice and his goodness, his wisdom and his very nature, are infinite security: and therefore it cannot be necessary to the church, that a power of dispensing should be intrusted to men, in such cases where we cannot suppose the law of God to bind. That is our best security, that we need no dispensation.

[t] Chap. 1. rule 10.

4. (3.) In external actions and instances of virtue, or of obedience to a commandment of Jesus Christ, wherever there can be a hinderance, if the obligation does remain, the instance that is hindered can be supplied with another of the same kind. Thus relieving the poor hungry man, can be hindered by my own poverty and present need, but I can visit him that is sick, though I cannot feed the hungry, or I can give him bread when I cannot give him a cloak; and therefore there can need no dispensation when the commandment, if it be hindered in one instance, can as perfectly, and to all the intentions of our Lawgiver, be performed in another.

5. (4.) In external actions which can be hindered, and which cannot be supplied by the variety of the instances in the same kind, yet if the obligation remains, they may be supplied with the internal act, and with the spiritual. Thus if we cannot receive actual baptism, the desire of it is accepted; and he that communicates spiritually, that is, by faith and charity, by inward devotion and hearty desire, is not guilty of the breach of the commandment, if he does not communicate sacramentally, being unavoidably and inculpably hindered. For whatsoever is not in our power, cannot be under a law, and where we do not consent to the breach of a commandment, we cannot be exposed to the punishment. This is the voice of all the world, and this is natural reason, and the ground of justice, without which there can be no government but what is tyrannical and unreasonable. These things being notorious and confessed, the consequents are these:

6. (1.) That there is no necessity that a power of dispensing in the positive laws of Christ should be intrusted to any man, or to any society. Because the law needs it not, and the subjects need it not: and he that dispenses, must either do it when there is cause, or when there is none. If he dispenses when there is no cause, he makes himself superior to the power of God by exercising dominion over his laws: if he dispenses when there is cause, he dispenses when there is no need. For if the subject can obey, he must obey, and man cannot untie what God hath bound: but if he cannot obey, he is not bound, and therefore needs not be untied: he may as well go about to unbend a straight line, or to number that which is not, as to dispense in a law, to which in such cases God exacts no obedience.

7. Panormitan[u] affirms that "the pope hath power to dispense in all the laws of God, except in the articles of faith;" and to this purpose he cites Innocentius "in cap. Cum ad Monasterium, de Statu Monachorum." Felinus[x] affirms that "the pope can change the form of baptism, and that he can with one word, and without all solemnity, consecrate a priest, and that he can by his word alone make a bishop:" and though these pretences are insolent and strange, yet in fact he does as much as this comes to: for the pope gives leave sometimes to a mere priest to give confirmation, which by Divine right is only belonging to bishops by their own confession. That the blessed eucharist is to be consecrated in both kinds is certainly of Divine right; and so confessed by the church of Rome: but the pope hath actually dispensed in this article, and given leave to some to consecrate in bread only, and particularly to the Norwegians a dispensation was given by Innocent VIII. as I have already noted out of Volaterranus.

8. There are some learned men amongst them who speak in this question with less scandal, but almost with the same intentions and effects. Some of their divines,—particularly the bishop[y] of the Canaries, says that "the pope hath not power to dispense in the whole, or in all the laws of God, but in some only; namely, where the observation of the law is 'impeditiva majoris boni,' 'a hinderance or obstruction to a greater spiritual good;' as it may happen in oaths and vows;"—and (Sanchez adds) in the consecration of the blessed sacrament in both kinds: in these, say they, the pope can dispense; but where the observation of the laws in the particular brings no evil or inconvenience, and does never hinder a greater good, there the laws are indispensable; such as are "confessions, baptism, using a set form of words in the ministration of the sacraments." So that the meaning is, the pope never wants a power to do it, if there be not wanting an excuse to colour it; and then, in effect, the divines agree with the lawyers; for since the power of dispensing is given in words indefinite and without specification of particulars, if it be given at all; the authority must be unlimited as to the person, and can be limited only by the incapacity of the matter; and if there could be any inconvenience in any law, there might be a dispensation in it: so that the divines and the lawyers differ only in the instances; which if we should consider, or if any great interest could be served by any, there can be no doubt but it would be found a sufficient cause of dispensation. So that this is but to cozen mankind with a distinction to no purpose; and to affirm that the pope cannot dispense in such things which yield no man any good or profit: such as is the using a set form of words in baptism, or the like; and they may at an easy rate pretend the pope's power to be limited, when they only restrain him from violating a Divine law, when either the observation of it is for his own advantage, as in confession, (meaning to a priest,) or when it serves the interest of no man to have it changed, as in the forms of sacraments.

9. But then, that I may speak to the other part; to say that "the pope may dispense in a Divine law, when the particular observation does hinder a greater spiritual good, and that this is a sufficient cause," is a proposition in all things false, and, in some cases, even in those where they instance, very dangerous. It is false, because if a man can by his own act be obliged to do a thing which yet is impeditive of a greater temporal good, then God can by his law oblige his obedience, though accidentally it hinder a greater spiritual good. Now if a man have promised, he must "keep it though it were to

[u] Cap. Proposuit. de Concess. Præpend. n. 20.
[x] In cap. Quæ in Eccles. Inconst. n. 19, 20.
[y] Canus Relect. de Pœnitent. p. 5. ad finem.

hope for more than we yet see in the lines of revelation, and possibly we may receive in many cases better measure than we yet hope for: but whoever makes this hope to lessen his duty, will find himself ashamed in his hope; for no hope is reasonable but that which quickens our piety, and hastens and perfects our repentance, and purifies the soul, and engages all the powers of action, and ends in the love of God, and in a holy life.

17. (7.) There are many other things to be added by way of assistance to them, who are pressed with the burden of a law severely apprehended, or unequally applied, or not rightly understood; but the sum of them is this.

1. If the sense be hidden or dubious, do nothing till the cloud be off, and the doubt be removed.

2. If the law be indifferent to two senses, take that which is most pious and most holy.

3. If it be between two, but not perfectly indifferent, follow that which is most probable.

4. Do after the custom and common usages of the best and wisest men.

5. Do with the most, and speak with the least.

6. Ever bend thy determination to comply with the analogy of faith, and the common measures of good life, and the glorifications and honour of God, and the utility of our neighbour.

7. Then choose thy part of obedience, and do it cheerfully and confidently, with a great industry and a full persuasion.

8. After the action is done, enter into no d[illegible] putes, whether it was lawful or no, unless it be u[illegible] new instances and new arguments, relating to [illegible] is to come,—and not troubling thyself with [illegible] which with prudence and deliberation the [illegible] (as things were then represented) well an[illegible] choose.

RULE XI.

The positive Laws of Jesus Christ [illegible] pensed with by any huma[illegible]

1. I have already in this b[illegible] of the indispensability of the [illegible] are the main constituent par[illegible] but there are some positive [illegible] not natural nor eternal, wh[illegible] perinduced; concerning w[illegible] tion made whether they [illegible] power.—Now concernin[illegible] to given by Christ are no[illegible] end: gatory, and he is the [illegible] against Head and Prince of [illegible] of natural fore hath supreme [illegible] do evil for a ful Counsellor, th[illegible] an assure me that of Peace," and [illegible] an an act of justice? wisdom of the F[illegible] by doing my wife an his laws so w[illegible] accept of me a new vow, and accidents [illegible] breaking of an old? or that, served by al[illegible] our wives, we are not as much passed an[illegible] as by monastical vows before our

[illegible] xv.

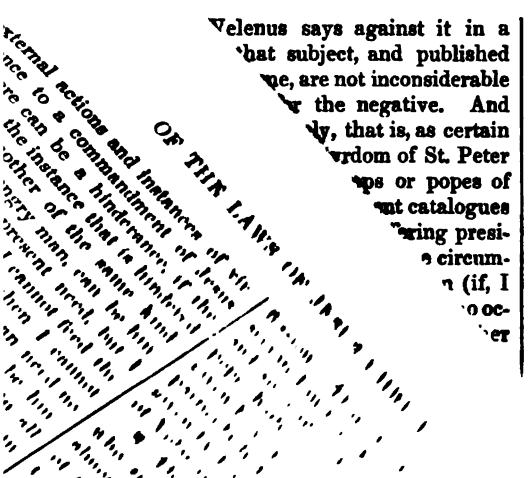
[a] Matt. xvi. 19.

pensation of laws must needs suppo[illegible] or imperfection in the law, or an [illegible] man, that is, that either the law [illegible] nience which was not foreseen, [illegible] or else the law meets with the [illegible] with which it is not made in [illegible] and therefore must be for[illegible] of the man, and stand [illegible] passed: it follows, that [illegible] there is no dispensati[illegible] law no infirmity, and [illegible] every man can alw[illegible] commanded and [illegible] tural impotency [illegible] quired, and he [illegible] his duty.

2. (1.) Ar[illegible] hath appoi[illegible] put in, w[illegible] winds ab[illegible] persecu[illegible] compl[illegible] again[illegible] fore[illegible] ne[illegible] in[illegible]

[illegible] man [illegible] law of God [illegible] upon pretence of [illegible] ter, "Whatsoever thou [illegible] all be loosed in heaven."[a] [illegible] the apostles or apostolical men [illegible] St. Peter could, in any case, dispense [illegible] breach, or the violation of a lawful oath? [illegible] all that power, which was then promised [illegible] him, wholly relative to the matter of fraternal correption? and was it not equally given to the apostles? for either it was never performed to St. Peter, or else it was alike promised and performed to all the apostles in the donation of the Spirit, and of the power of binding, and the words of Christ[b] to them before and after his resurrection; so that, by certain consequence of this, either all the successors of the apostles have the same power, or none of the successors of St. Peter. Or if the successors of St. Peter only, why not his successors at Antioch, as well as his successors at Rome? since it is certain that he was at Antioch; but it is not so certain that he was at all at Rome: for those

[b] Matt. xviii. 18. John xx. 23.



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no. He that hath skill and authority and reason to declare, that, in such special cases, God intended not to oblige the conscience, hath taken away the doubt, and made that to become lawful, which, without such a declaration, by reason of the remaining doubt, was not so. This is properly an interpretation; but because it hath the same effect upon the man, which the other hath directly upon the law, therefore by divines and lawyers it is sometimes also called a dispensation, but improperly.

14. But the other consequent arising from the first observations, which I made upon this rule, is this,—that as there is no necessity that there should be any dispensation in the laws of Jesus Christ; so in those cases where there may be an improper dispensation, that is, an interpretation or declaration that the law in this case does not bind at all, no man must, by way of equity or condescension and expedient, appoint any thing that the law permits not, or declare that a part of the law may be used, when the whole is in the institution. For example: The Norwegians complained, that they could very seldom get any wine into their country, and, when it did come, it was almost vinegar or vappe: he who had reason and authority, might then certainly have declared, that the precept of consecrating did not oblige, when they had not matter with which they were to do it; because no good law obliges to impossibilities: but then no man of his own head ight interpose an expedient, and say, "Though have no wine to consecrate and celebrate with- you may do it in ale or meath;" nor yet warrant an imperfect consecration, and al- the priests should celebrate with bread reason is, because all institutions sacra- positive laws, depend not upon the na- rs themselves, according to the ex- ion of which our obedience might y depend wholly on the will of will of the supreme, being ac- cification, this manner, this whatsoever comes besides, in the will of the legislator, have no warrant or authority. d or not obeyed, is all the question ariety. If it can be obeyed, it must; ot, it must be let alone. The right mother, ppeared before Solomon, demanded her child; f her own was offered; but that was not it which would do her good, neither would she have been pleased with a whole bolster of goats' hair, or with a perfect image of her child, or with a living lamb; it was her own child which she demanded: so it is in the Divine institution; whatsoever God wills, that we must attend to: and therefore, whatsoever depends upon a Divine law or institution, whatsoever is appointed instrumental to the signification of a mystery, or to the collation of a grace or a power, he that does any thing of his own head, either must be a despiser of God's will, or must suppose himself the author of a grace, or else to do nothing at all in what he does,—because all his obedience, and all the blessing of his obedience, depend upon the will of God, which ought always to be obeyed when it can, and when it cannot, nothing can supply it; because the reason of it cannot be understood; for who can tell why God would have the death of his Son celebrated by bread and wine? why by both the symbols? why by such? and therefore no proportions can be made; and if they could, yet they cannot be warranted.

15. This rule is not only to be understood concerning the express positive laws and institutions of our blessed Lawgiver; but even those which are included within those laws, or are necessary appendages to those institutions, are to be obeyed, and can neither be dispensed withal, nor diverted by any supletory or expedient. Thus to the law of represent-

his own hinderance," said David;[a] and a man may not break his oath, though the keeping of it hinder him from many spiritual comforts and advantages; nay, a man may neglect a spiritual advantage for a temporal necessity; and in the Bohemian wars, the king had better been at the head of his troops, than at a sermon, when Prague was taken.

But I consider (for that is also very material) that it is dangerous. For when men, to justify a pretence, or to verify an action, or to usurp a power, shall pretend that there is on the other side a greater spiritual good, they may very easily deceive others, because either voluntarily or involuntarily they deceive themselves; for when God hath given a commandment, who can say that to let it alone can do no more good to a man's soul than to keep it? I instance in a particular which is of great interest with them. If a man have vowed to a woman to marry her, and contracted himself to her "per verba de præsenti;" she, according to her duty, loves him passionately, hath married her very soul to him, and her heart is bound up in his: but he changes his mind, and enters into religion; but stops at the very gate, and asks who shall warrant him for the breach of his faith and vows to his spouse. The pope answers he will; and though by the law of God he be tied to that woman, yet because the keeping of that vow would hinder him from doing God better service in religion, this is a sufficient cause for him to dispense with his vow. This then is the case concerning which I inquire: 1. How does it appear that to enter into a monastery is absolutely a greater spiritual good than to live chastely with the wife of his love and vows? 2. I inquire, whether to break a man's vow be not of itself (abstracting from all extrinsical pretensions and collateral inducements) a very great sin? and if there were not a great good to follow the breach of it, I demand whether could the pope dispense or give leave to any man to do it? If he could, then it is plain he can give leave to a man to do a very great evil; for without the accidentally consequent good, it is confessed to be very evil to break our lawful vows; but if he cannot dispense with his vow, unless some great good were to follow upon the breach of it, then it is clear he can give leave to a man to do evil, that good may come of it: for if without such a reason, or such a consequent good, the pope could not dispense, then the consequent good does legitimate the dispensation: and either an evil act done for a good end is lawful and becomes good; or else the pope plainly gives him leave to do that, which is still remaining evil, for a good end: either of which is intolerable, and equally against the apostle's rule, which is also a rule of natural religion and reason: No man must do evil for a good end. But then, 3. Who can assure me that an act of religion is better than an act of justice? or that God will be served by doing my wife an injury? or that he will accept of me a new vow, which is perfectly a breaking of an old? or that, by our vows to our wives, we are not as much obliged to God as by monastical vows before our abbot? or that marriage is not as great an act of religion, if wisely and holily undertaken, (as it ought to be,) as the taking the habit of St. Francis? or that I can be capable of giving myself to religion, when I have given the right and power of myself away to another? or that I may not as well steal from a man to give alms to the poor, as wrong my wife to give myself to a cloister? or that he can ever give himself to religion, who breaks the religion of vows and promises, of justice and honour, of faith and the sacramental mystery, that he may go into religion? or that my retirement in a cloister, and doing all that is there intended, can make recompence for making my wife miserable, and, it may be, desperate and calamitous all her lifetime? Can God be delighted with my prayers which I offer to him in a cloister, when, it may be, at the same time my injured spouse is praying to God to do her justice and to avenge my perjuries upon my guilty head, and, it may be, cries aloud to God, and weeps and curses night and day? who can tell which is better, or which is worse? for marriage and single life, of themselves, are indifferent to piety or impiety; they may be used well, or abused to evil purposes: but if they take their estimate by the event, no man can beforehand tell which would have been the greater spiritual good. But suppose it as you list, yet,

11. I consider, that when God says that "obedience is better than sacrifice," he hath plainly told us, that no pretence of religion, or of a greater spiritual good, can legitimate vow-breach, or disobedience to a Divine commandment: and therefore, either the pope must dispense in all laws of Christ, and without all reason;—that is, by his absolute authority and supereminency over the law and the power that established it, or else he cannot dispense at all; for there is no reason that can legitimate our disobedience.

12. But then, if we consider the authority itself, the considerations will be very material. No man pretends to a power of dispensing in the law of God but the pope only; and he only upon pretence of the words spoken to St. Peter, "Whatsoever thou shalt loose on earth, shall be loosed in heaven."[b] Now did ever any of the apostles or apostolical men suppose, that St. Peter could, in any case, dispense with vow-breach, or the violation of a lawful oath? Was not all that power, which was then promised to him, wholly relative to the matter of fraternal correption? and was it not equally given to the apostles? for either it was never performed to St. Peter, or else it was alike promised and performed to all the apostles in the donation of the Spirit, and of the power of binding, and the words of Christ to them before and after his resurrection; so that, by certain consequence of this, either all the successors of the apostles have the same power, or none of the successors of St. Peter. Or if the successors of St. Peter only, why not his successors at Antioch, as well as his successors at Rome? since it is certain that he was at Antioch; but it is not so certain that he was at all at Rome: for those

[a] Psal. xv. [b] Matt. xvi. 19.

[b] Matt. xviii. 18. John xx. 22.

things that Ulricus Velenus says against it in a tractate on purpose on that subject, and published by Goldastus in his third tome, are not inconsiderable allegations and arguments for the negative. And suppose he was, yet it is as likely, that is, as certain as the other,—that, after the martyrdom of St. Peter and St. Paul, there were two bishops or popes of Rome; as it is conjectured by the different catalogues of the first successions, and by their differing presidencies or episcopacies; one being over the circumcision, and the other over the uncircumcision (if, I say, they were at all, concerning which I have no occasion to interpose my sentence). But if either this gift was given in common to all the apostles, or if it was given personally to St. Peter, or if it means only the power of discipline over sinners and penitent persons, or if it does not mean to destroy all justice and human contracts, to rescind all the laws of God and man, to make Christ's laws subject to Christ's minister, and Christ's kingdom to be the pope's inheritance and possession, "in alto Dominio," if those words of Christ to St. Peter are so to be understood as that his subjects and servants shall still be left in those rights, which he hath given and confirmed and sanctified, then it follows undeniably, that St. Peter's power of the keys is not to be a picklock of the laws of his Master, but to bind men to the performance of them, or to the punishment of breaking them; and if by those words of "Whatsoever thou shalt loose," it be permitted to loose and untie the band of oaths and vows, then they may also mean a power of loosing any man's life, or any man's right, or any man's word, or any man's oath, or any man's obligation, solemn or unsolemn, when he hath really an interest or reason so to do, of which reason himself only can be the warrantable judge: which things, because they are insufferably unreasonable, that pretence which infers such evils and such impieties, must be also insufferable and impossible.

13. I conclude therefore with this distinction: There is a proper dispensation, that is, such a dispensation as supposes the obligation remaining upon that person, who is to be dispensed with: but no man or society of men can, in this sense, dispense with any law of Christ. But there is a dispensation improperly so called, which does not suppose a remanent obligation, and therefore pretends not to take away any, but supposes only a doubt remaining, whether the law does, by God's intention, oblige or no. He that hath skill and authority and reason to declare, that, in such special cases, God intended not to oblige the conscience, hath taken away the doubt, and made that to become lawful, which, without such a declaration, by reason of the remaining doubt, was not so. This is properly an interpretation; but because it hath the same effect upon the man, which the other hath directly upon the law, therefore by divines and lawyers it is sometimes also called a dispensation, but improperly.

14. But the other consequent arising from the first observations, which I made upon this rule, is this,—that as there is no necessity that there should be any dispensation in the laws of Jesus Christ; so in those cases where there may be an improper dispensation, that is, an interpretation or declaration that the law in this case does not bind at all, no man must, by way of equity or condescension and expedient, appoint any thing that the law permits not, or declare that a part of the law may be used, when the whole is in the institution. For example: The Norwegians complained, that they could very seldom get any wine into their country, and, when it did come, it was almost vinegar or vappe: he who had reason and authority, might then certainly have declared, that the precept of consecrating did not oblige, when they had not matter with which they were to do it; because no good law obliges to impossibilities: but then no man of his own head might interpose an expedient, and say, "Though you have no wine to consecrate and celebrate withal, yet you may do it in ale or meath;" nor yet might he warrant an imperfect consecration, and allow that the priests should celebrate with bread only. The reason is, because all institutions sacramental, and positive laws, depend not upon the nature of the things themselves, according to the extension or diminution of which our obedience might be measured; but they depend wholly on the will of the lawgiver, and the will of the supreme, being actually limited to this specification, this manner, this matter, this institution; whatsoever comes besides, it hath no foundation in the will of the legislator, and therefore can have no warrant or authority. That it be obeyed or not obeyed, is all the question and all the variety. If it can be obeyed, it must; if it cannot, it must be let alone. The right mother, that appeared before Solomon, demanded her child; half her own was offered; but that was not it which would do her good, neither would she have been pleased with a whole bolster of goats' hair, or with a perfect image of her child, or with a living lamb; it was her own child which she demanded: so it is in the Divine institution; whatsoever God wills, that we must attend to: and therefore, whatsoever depends upon a Divine law or institution, whatsoever is appointed instrumental to the signification of a mystery, or to the collation of a grace or a power, he that does any thing of his own head, either must be a despiser of God's will, or must suppose himself the author of a grace, or else to do nothing at all in what he does,—because all his obedience, and all the blessing of his obedience, depend upon the will of God, which ought always to be obeyed when it can, and when it cannot, nothing can supply it; because the reason of it cannot be understood; for who can tell why God would have the death of his Son celebrated by bread and wine? why by both the symbols? why by such? and therefore no proportions can be made; and if they could, yet they cannot be warranted.

15. This rule is not only to be understood concerning the express positive laws and institutions of our blessed Lawgiver; but even those which are included within those laws, or are necessary appendages to those institutions, are to be obeyed, and can neither be dispensed withal, nor diverted by any suppletory or expedient. Thus to the law of represent-

ing and commemorating the death of our dearest Lord by the celebration of his last supper, it is necessarily appendant and included, that we should come worthily prepared,—lest that which is holy be given to dogs, and holy things be handled unholily. In this case, there can be no dispensation; and although the curates of souls, having the key of knowledge and understanding to divide the word of God rightly, have power and warrant to tell what measures and degrees of preparation are just and holy; yet they cannot give any dispensation in any just and required degree, nor, by their sentence, effect that a less degree than God requires in the appendant law, can be sufficient to any man,—neither can any human authority commute a duty that God requires; and, when he demands repentance, no man can dispense with him, that is, to communicate, or give him leave to give alms, instead of repentance. But if, in the duty of preparation, God had involved the duty of confession to a priest, this might have, in some cases, been wholly let alone: that is, in case there were no priest to be had but one, who were to consecrate and who could not attend to hear my confessions: and the reason is, because in case of the destitution of any material or necessary constituent part of the duty, there is no need of equity or interpretation: because the subject matter of degrees of heightenings and diminutions being taken away, there can be no consideration of the manner or the degrees superstructed. When any condition, intrinsically, and in the nature of the thing included in an affirmative precept, is destituent or wanting, the duty itself falls without interpretation.

16. Lastly; This rule is to be understood also much more concerning the negative precepts of the religion: because there can be no hinderance to the duties of a negative precept; every man can let any thing alone; and he cannot be forced from his silence or his omission; for he can sit still and die; violence can hinder an action, but cannot effect it or express it: and therefore here is no place for interpretation, much less for dispensation: neither can it be supplied by any action or by any omission whatsoever.

But upon the matter of this second consequent remarked above,[c] it is to be inquired, whether in no case a supply of duty is to be made? or whether or no it is not better in some cases, that is, when we are hindered from doing the duty commanded, to do something when we cannot do all; or are we tied to do nothing, when we are innocently hindered from doing of the whole duty?

When we may be admitted to do Part of our Duty, and when to supply it by something else.

17. (1.) Negative precepts have no parts of duty, no degrees of obedience, but consist in a mathematical point; or rather in that, which is not so much; for it consists in that, which can neither be numbered nor weighed. No man can go a step from the severest measure of a negative commandment; if a man do but in his thought go against it, or in one single instance do what is forbidden, or but begin to do it, he is entirely guilty. "He that breaks one, is guilty of all," said St. James; it is meant of negative precepts; and then it is true in every sense relating to every single precept, and to the whole body of the negative commandments. He that breaks one, hath broken the band of all; and he that does sin, in any instance or imaginary degree, against a negative, hath done the whole sin, that is, in that commandment forbidden.

18. (2.) All positive precepts that depend upon the mere will of the lawgiver, (as I have already discoursed,) admit no degrees, nor suppletory and commutation; because in such laws we see nothing beyond the words of the law, and the first meaning and the named instance; and therefore, it is that "in individuo" which God points at; it is that, in which he will make the trial of our obedience; it is that, in which he will so perfectly be obeyed, that he will not be disputed with, or inquired of why, and how, but just according to the measures there set down: so, and no more, and no less, and no otherwise. For when the will of the lawgiver is all the reason, the first instance of the law is all the measures; and there can be no product but what is just set down. No parity of reason can infer any thing else, because there is no reason but the will of God, to which nothing can be equal, because his will can be but one. If any man should argue thus:—"Christ hath commanded us to celebrate his death by blessing and communicating in bread and wine; this being plainly his purpose, and I, finding it impossible to get wine, consider that water came out of his side as well as blood, and therefore water will represent his death as well as wine; for wine is but like blood, and water is more like itself; and therefore I obey him better, when in the letter I cannot obey him:"—he, I say, that should argue thus, takes wrong measures; for it is not here to be inquired, which is most agreeable to our reason, but which complies with God's will; for that is all the reason we are to inquire after.

19. (3.) In natural laws and obligations depending upon true and proper reason drawn from the nature of things, there we must do what we can; and if we cannot do all that is at first intended,—yet it is secondarily intended, that we should do what we can. The reason is, because there is a natural cause of the duty, which, like the light of the sun, is communicated in several degrees, according as it can be received; and therefore whatever partakes of that reason, is also a duty of that commandment. Thus it is a duty of natural and essential religion, that we should worship God with all the faculties of the soul, with all the actions of the body, with all the degrees of intension, with all the instances and parts of extension: for God is the Lord of all; he expects all, and he deserves all, and will reward all; and every thing is designed in order to his service and glorification: and therefore every part of all this is equally commanded, equally required; and is symbolical to the whole; and therefore, in the impossibility of the performance of any one, the whole commandment is equally promoted by another; and when we cannot bow the knee, yet we

[c] Numb. 14.

can incline the head, and when we cannot give, we can forgive; and if we have not silver and gold, we can pay them in prayers and blessings; and if we cannot go with our brother two miles, we can, it may be, go one, or one half; let us go as far as we can, and do all that is in our power and in our circumstances. For since our duty here can grow, and every instance does according to its portion do in its own time, and measures the whole work of the commandment, and God accepts us in every step of the progression, that is, in all degrees; for he breaks not the bruised reed, and he quenches not the smoking flax; it follows, that though we are not tied to do all, even that which is beyond our powers, yet we must do what we can towards it; even a part of the commandment may, in such cases, be accepted for our whole duty.

20. (4.) In external actions which are instances of a natural or moral duty, if there be any variety, one may supply the other; if there be but one, it can be supplied by the internal only and spiritual. But the internal can never be hindered, and can never be changed or supplied by any thing else; it is capable of no suppletory, but of degrees it is: and if we cannot love God as well as Mary Magdalene loved him, let us love him so as to obey him always, and so as to superadd degrees of increment to our love, and to our obedience; but for this or that expression it must be as it can, and when it can, it must be this or another; but if it can be neither upon the hand, it must be all that is intended upon the heart; and as the body helps the soul in the ministries of her duty, so the soul supplies the body in the essentialities of it and indispensable obedience.

RULE XII.

Not every Thing, that is in the Sermons and Doctrine of Jesus Christ, was intended to bind as a Law or Commandment.

1. EVERY thing that is spoken by our blessed Saviour, is to be placed in that order of things, where himself was pleased to put it.—Whatsoever he propounded to us under the sanction of love, and by the invitation of a great reward, that is so to be understood, as that it may not become a snare, by being supposed in all cases and to all persons to be a law. For laws are established by fear and love too, that is, by promises and threatenings; and nothing is to be esteemed a law of Christ, but such things which if we do not observe, we shall die, or incur the Divine displeasure in any instance or degree. But there are some things in the sermons of Christ, which are recommended to the diligence and love of men; such things whither men must tend and grow. Thus it is required, that we should love God with all our heart; which is indeed a commandment, and the first and the chiefest: but because it hath an infinite sense, and is capable of degrees, beyond all the actualities of any man whatsoever,—therefore it is encouraged and invited further by a reward, that will be greater than all the work that any man can do. But yet there is also the "minimum morale" in it, that is, that degree of love and duty, less than which is by interpretation no love, no duty at all; and that is, that we so love God, that, 1. we love nothing against him; 2. that we love nothing more than him; 3. that we love nothing equal to him; 4. that we love nothing disparately and distinctly from him, but in subordination to him; that is, so as to be apt to yield and submit to his love, and comply with our duty. Now then, here must this law begin, it is a commandment to all persons, and at all times, to do thus much; and this being a general law, of which all other laws are but instances and specifications, the same thing is in all the particular laws, which is in the general: there is in every one of them a "minimum morale," a legal sense of duty, which, if we prevaricate or go less than it, we are transgressors: but then there is also a latitude of duty, or a sense of love and evangelical increase, which is a further pursuance of the duty of the commandment; but is not directly the law, but the love; to which God hath appointed no measures of greatness, but hath invited us forward as the man can go.

2. For it is considerable, that since negative precepts include their affirmatives, and affirmatives also do infer the negatives, (as I have already discoursed,) and yet they have differing measures and proportions; and that the form of words and signs, negative or affirmative, is not the sufficient indication of the precepts, we can best be instructed by this measure;—There is in every commandment a negative part and an affirmative:—the negative is the first, the least, and the lowest, sense of the law and the degree of duty; and this is obligatory to all persons, and cannot be lessened by excuse, or hindered by disability, or excused by ignorance, neither is it to stay its time, or to wait for circumstances; but obliges all men indifferently. I do not say that this is always expressed by negative forms of law or language, but is by interpretation negative; it operates or obliges as does the negative. For when we are commanded to love our neighbour as ourself; the least measure of this law, the legal or negative part of it, is, that we should not do him injury; that we should not do to him, what we would not have done to ourselves. He that does not in this sense love his neighbour as himself, hath broken the commandment; he hath done that which he should not do; he hath done that which he cannot justify; he hath done that which was forbidden: for every going less than the first sense of the law, than the lowest sense of duty, is the commission of a sin, a doing against a prohibition.

3. But then there are further degrees of duty than the first and lowest; which are the affirmative measures, that is, a doing excellent actions and instances of the commandments, a doing the commandment with love and excellency, a progression in the exercise and methods of that piety; the degrees of which, because they are affirmative, therefore they oblige but in certain circumstances; and are under no law absolutely, but they grow in the face of the sun, and pass on to perfection by

heat and light, by love and zeal, by hope and by reward.

4. Now concerning these degrees it is that I affirm, that every thing is to be placed in that order of things where Christ left it: and he that measures other men by his own stature, and exacts of children the wisdom of old men, and requires of babes in Christ the strengths and degrees of experienced prelates, he adds to the laws of Christ, that is, he ties where Christ hath not tied, he condemns where Christ does not condemn. It is not a law that every man should, in all the stages of his progression, be equally perfect: the nature of things hath several stages, and passes by steps to the varieties of glory. For so laws and counsels differ, as first and last, as beginning and perfection, as reward and punishment, as that which is simply necessary, and that which is highly advantageous: they differ not in their whole kind; for they are only the differing degrees of the same duty. He that does a counsel evangelical, does not do more than his duty, but does his duty better: he that does it in a less degree, shall have a less reward; but he shall not perish, if he does obey the just and prime or least measures of the law.

5. Let no man, therefore, impose upon his brother the heights and summities of perfection, under pain of damnation or any fearful evangelical threatening; because these are to be invited only by love and reward,—and by promises only are bound upon us, not by threatenings. The want of the observing of this, hath caused impertinent disputes and animosities in men, and great misunderstandings in this question. For it is a great error to think, that every thing spoken in Christ's sermons is a law, or that all the progressions and degrees of christian duty are bound upon us by penalties as all laws are. The commandments are made laws to us wholly by threatenings; for when we shall receive a crown of righteousness in heaven, that is by way of gift, merely gratuitous, but the pains of the damned are due to them by their merit and by the measures of justice: and therefore it is remarkable, that our blessed Saviour said, "When ye have done all that ye are commanded, ye are unprofitable servants;" that is, the strict measures of the laws or the commandments given to you are such, which if ye do not observe, ye shall die according to the sentence of the law; but if ye do, "ye are yet unprofitable;" ye have not deserved the good things that are laid up for loving souls: but therefore towards that we must superadd the degrees of progression and growth in grace, the emanations of love and zeal, the methods of perfection and imitation of Christ. For by the first measures we escape hell; but by the progressions of love only, and the increase of duty, through the mercies of God in Christ, we arrive at heaven. Not that he that escapes hell, may, in any case, fail of heaven; but that whosoever does obey the commandment in the first and least sense, will, in his proportion, grow on towards perfection. For he fails in the first, and does not that worthily,—who, if he have time, does not go on to the second.

6. But yet neither are these counsels of perfection left wholly to our liberty, so as that they have nothing of the law in them; for they are pursuances of the law; and of the same nature, though not directly of the same necessity; but collaterally and accidentally they are. For although God follows the course and nature of things, and therefore does not disallow any state of duty that is within his own measures; because there must be a first before there can be a second, and the beginning must be etseemed good, or else we ought not to pursue it and make it more in the same kind; yet because God is pleased to observe the order of nature in his graciousness, we must do so too in the measures of our duty; nature must begin imperfectly, and God is pleased with it, because himself hath so ordered it; but the nature of things that begin and are not perfect cannot stand still. God is pleased well enough with the least or the negative measure of the law; because that is the first or the beginning of all; but we must not always be beginning, but pass on to perfection, and it is perfection all the way, because it is the proper and the natural method of the grace to be growing; every degree of growth is not the perfection of glory; but neither is it the absolute perfection of grace, but it is the relative perfection of it: just as corn and flowers are perfectly what they ought to be, when in their several months they are arrived to their proper stages: but if they do not still grow till they be fit for harvest, they wither and die, and are good for nothing: he that does not go from strength to strength, from virtue to virtue, from one degree of grace to another, he is not at all in the methods of life, but enters into the portions of thorns, and withered flowers, fit for excision and burning.

7. Therefore, (1.) No man must, in the keeping the commandments of Christ, set himself a limit of duty;—"Hitherto will I come, and no further:"—for the tree that does not grow, is not alive, unless it already have all the growth it can have: and there is in these things thus much of a law: evangelical counsels are thus far necessary, that although in them, that is, in the degrees of duty, there are no certain measures described; yet we are obliged to proceed from beginnings to perfection.

8. (2.) Although every man must impose upon himself this care, that he so do his duty, that he do add new degrees to every grace; yet he is not to be prejudiced by any man else, nor sentenced by determined measures of another man's appointment: God hath named none, but intends all; and therefore we cannot give certain sentence upon our brother, since God hath described no measures; but intends "that all," whither no man can perfectly arrive here; and therefore it is supplied by God hereafter.

9. (3.) But the rule is to be understood in great instances as well as in great degrees of duty; for there are in the sermons of Christ some instances of duties, which although they are pursuances of laws and duty, yet in their own material natural being are not laws,—but both in the degree implied, and in the instance expressed, are counsels evangelical; to which we are invited by great rewards,

but not obliged to them under the proper penalties of the law. Such are, making ourselves eunuchs for the kingdom of heaven, selling all, and giving it to the poor. The duties and laws here signified are, chastity, charity, contempt of the world, zeal for the propagation of the gospel: the virtues themselves are direct duties, and under laws and punishment; but that we be charitable to the degree of giving all away, or that we act our chastity by a perpetual celibate, are not laws; but for the outward expression we are wholly at our liberty; and for the degree of the inward grace, we are to be still pressing forwards towards it, we being obliged to do so by the nature of the thing, by the excellency of the reward, by the exhortations of the gospel, by the example of good men; by our love to God, by our desires of happiness, and by the degrees of glory. Thus St. Paul took no wages of the Corinthian churches; it was an act of an excellent prudence, and great charity, but it was not by the force of a general law; for no man else was bound to it, neither was he; for he did not do so to other churches; but he pursued two or three graces to excellent measures and degrees; he became exemplary to others, useful to that church, and did advantage the affairs of religion: and though possibly he might, and so may we, by some concurring circumstances, be pointed out to this very instance and signification of his duty, yet this very instance, and all of the same nature, are counsels evangelical; that is, not imposed upon us by a law, and under a threatening; but left to our liberty, that we may express freely, what we are necessarily obliged to do in the kind, and to pursue forwards to degrees of perfection.

10. These therefore are the characteristic notes and measures to distinguish a counsel evangelical from the laws and commandments of Jesus Christ.

The Notes of Difference between Counsels and Commandments evangelical.

1. Where there is no negative expressed or involved, there it cannot be a law; but it is a counsel evangelical. For in every law there is a degree of duty so necessary, that every thing less than it, is a direct act or state of sin: and therefore, if the law be affirmative, the negative is included, and is the sanction of the main duty. "Honour thy father and mother," that is a law: for the lowest step of the duty there enjoined is bound upon us by this negative, "Thou shalt not curse thy father or mother:" or, "Thou shalt not deny to give them maintenance, thou shalt not dishonour them, not slight, not undervalue, not reproach, not upbraid, not be rude or disobedient to them:" whenever such a negative is included, that is the indication of a law. But in counsels evangelical, there is nothing but what is affirmative. There are some who make themselves eunuchs for the kingdom of heaven: that is the intimation of a religious act or state: but the sanction of it is nothing that is negative, but this only; "He that hath ears to hear, let him hear,"—and, "Qui potest capere, capiat:" "He that can receive it, let him receive it:"—and, "He that hath power over his will, and hath so decreed in his heart, does well."—In commandments it is, "He that does the duty, does well; he that does not, does ill:" but in counsels it is, "He that does not, may do well; but he that does, does better:" as St. Paul discourses in the question of marriage;[d] in which instance it is observable, that the comparison of celibate and marriage is not in the question of chastity, but in the question of religion, one is not a better chastity than the other. Marriage is κοίτη ἀμίαντος, "an undefiled state;" and nothing can be cleaner than that which is not at all unclean; but the advantages of celibate above marriage, as they are accidental and contingent, so they are relative to times and persons and states, and external ministries: for to be made a "eunuch for the kingdom of heaven," is the same that St. Paul means by, "the unmarried careth for the things of the Lord;" that is, in these times of trouble and persecution, they who are not entangled in the affairs of a household, can better travel from place to place in the ministries of the gospel, they can better attend to the present necessities of the church, which are called "the things of the Lord," or "the affairs of the kingdom of heaven:" but at no hand does it mean, that the state of single life is, of itself, a counsel evangelical, or a further degree of chastity, but of an advantageous ministry to the propagation of the gospel. But be it so, or be it otherwise; yet it is a counsel and no law, because it hath no negative part in its constitution, or next appendage.

11. (2.) When the action or state is propounded to us only upon the account of reward, and there is no penalty annexed, then it is a counsel and no law: for there is no legislative power where there is no coercitive: and it is but a precarious government, where the lawgiver cannot make the subject either do good or suffer evil: and therefore the "jus gladii" and the "merum imperium" are all one: and he that makes a law and does not compel the involuntary, does but petition the subject to obey, and must be content he shall do it, when he hath a mind to it. But therefore as soon as men made laws, and lived in communities, they made swords to coerce the private, and wars to restrain the public, irregularities of the world.

——— dehinc absistere bello,
Oppida cœperunt munire: et condere leges,
Ne quis fur esset, neu latro, neu quis adulter. HOR.

For it was impossible to preserve justice, or to defend the innocent, or to make obedience to laws, if the consuls lay aside their rods and axes; and so it is in the Divine laws; the Divine power and the Divine wisdom make the Divine laws, and fear is the first sanction of them: it is the beginning of all our wisdom, and all human power being an imitation of and emanation from the Divine power, is in the sum of affairs nothing but this; "Habere potestatem gladii ad animadvertandum in facinorosos homines;" and therefore we conclude it to be no law, to the breaking of which no penalty is annexed: and therefore it was free to St. Paul to take or not to take wages of the Corinthian church; for if he had taken

[d] 1 Cor. vii.

it, it had been nothing but the making of his glorying void; that is, he could not have had the pleasure of obliging them by an uncommanded instance and act of kindness. Hope and reward are the endearment of counsels; fear and punishment are the ligatures of laws.

12. (3.) In counsels sometimes the contrary is very evil:—Thus to be industrious and holy, zealous and prudent, in the offices ecclesiastical, and to take holy orders in the days of persecution and discouragement, is an instance of love, I doubt not, very pleasing and acceptable to God; and yet he that suffers himself to be discouraged from that particular employment, and to divert to some other instance in which he may well serve God, may remain very innocent or excusable: but those in the primitive church, who so feared the persecution or the employment, that they cut off their thumbs or ears to make themselves canonically incapable, were highly culpable; because he that does an act contrary to the design of counsel evangelical is an enemy to the virtue and the grace of the intendment: he that only lets it alone, does not indeed venture for the greater reward; but he may pursue the same virtue in another instance or in a less degree, but yet so as may be accepted. He that is diverted by his fear and danger, and dares not venture,—hath a pitiable, but, in many cases, an innocent infirmity; but he that does against it, hath an inexcusable passion; and is so much more blamable than the other, by how much a fierce enemy is worse than a cold friend, or a neuter more tolerable than he that stands in open hostility and defiance. But in laws, not only the contrary, but even the privative, is also criminal: for not only he that oppresses the poor, is guilty of the breach of charity, but he that does not relieve them; because there is in laws an affirmative and a negative part; and both of them have obligation; so that in laws both omissions and commissions are sins; but where nothing is faulty but a contrariety or hostility, and that the omission is innocent, there it is only a counsel.

13. (4.) In internal actions there is properly and directly no counsel,—but a law only: counsels of perfections are commonly the great and more advantageous prosecutions of an internal grace or virtue: but the inward cannot be hindered by any thing from without, and therefore is capable of all increase and all instances only upon the account of love; the greatest degree of which is not greater than the commandment: and yet the least degree, if it be sincere, is even with the commandment: because it is according to the capacity and greatness of the man. But the inward grace, in all its degrees, is under a law or commandment, not that the highest is necessary at all times, and to every person; but that we put no positive bars or periods to it at any time, but love as much as we can to-day, and as much as we can to-morrow, and still the duty and the words to have a current sense: and "as much as we can" must signify "still more and more;" now the using of direct and indirect ministries for the increasing of the inward grace, this I say, because it hath in it materiality and an external part, and is directly subjicible to the proper empire of the will, this may be the matter of counsel in the more eminent and zealous instances, but the inward grace directly is not. To be just consists in an indivisible point, and therefore it is always a law; but if to signify and act our justice we give that which is due, and a great deal more to make it quite sure, this is the matter of counsel; for it is the external prosecution of the inward grace, and although this hath no degrees, yet that hath; and therefore that hath liberty and choice, whereas in this there is nothing but duty and necessity.

RULE XIII.

Some things may be used in the Service of God which are not commanded in any Law, nor explicitly commended in any Doctrine of Jesus Christ.

1. This rule is intended to regulate the conscience in all those questions, which scrupulous and superstitious people make in their inquiries for warranties from Scripture in every action they do,—and in the use of such actions in the service of God; for which particulars because they have no word, they think they have no warrant, and that the actions are superstitious. The inquiry then hath two parts;

1. Whether we are to require from Scripture a warrant for every action we do, in common life.

2. Whether we may not do or use any thing in religion, concerning which we have no express word in Scripture, and no commandment at all.

1. Concerning the first the inquiry is but short, because there is no difficulty in it, but what is made by ignorance and jealousy; and it can be answered and made evident by common sense, and the perpetual experience and the natural necessity of things. For the laws of Jesus Christ were intended to regulate human actions in the great lines of religion, justice, and sobriety, in which as there are infinite particulars which are to be conducted by reason and by analogy to the laws and rules given by Jesus Christ; so it is certain that as the general lines and rules are to be understood by reason how far they do oblige, so by the same we can know where they do. But we shall quickly come to issue in this affair. For if for every thing there is a law or an advice; let them that think so find it out and follow it. If there be not for every thing such provision, their own needs will yet become their lawgiver, and force them to do it without a law. Whether a man shall speak French or English; whether baptized persons are to be dipped all over the body, or will it suffice that the head be plunged; whether thrice or once; whether in water of the spring, or the water of the pool; whether a man shall marry, or abstain; whether eat flesh or herbs; choose Titius or Caius for my friend; be a scholar or a merchant, a physician or a lawyer; drink wine or ale; take physic for prevention, or let it alone; give to his servant a great pension, or a competent;—what can the Holy Scriptures have to do

with any thing of these, or any thing of like nature and indifferency?

2. For by nature all things are indulged to our use and liberty; and they so remain till God, by a supervening law, hath made restraints in some instances to become matter of obedience to him, and of order and usefulness to the world; but therefore where the law does not restrain, we are still free as the elements, and may move as freely and indifferently as the atoms in the eye of the sun. And there is infinite difference between law and lawful; indeed there is nothing that is a law to our consciences but what is bound upon us by God, and consigned in Holy Scripture (as I shall in the next rule demonstrate); but therefore every thing else is permitted or lawful, that is not by law restrained: liberty is before restraint; and till the fetters are put upon us, we are under no law and no necessity, but what is natural. But if there can be any natural necessities, we cannot choose but obey them, and for these there needs no law or warrant from Scripture. No master needs to tell us or to give us signs to know when we are hungry or athirst: and there can be as little need that a lawgiver should give us a command to eat, when we are in great necessity so to do. Every thing is to be permitted to its own cause and proper principle; nature and her needs are sufficient to cause us to do that which is for her preservation; right reason and experience are competent warrant and instruction to conduct our affairs of liberty and common life; but the matter and design of laws is "honestè vivere, alterum non lædere, suum cuique tribuere;" or as it is more perfectly described by the apostle, that we should "live a godly, righteous, sober life," and beyond these there needs no law. When nature is sufficient, Jesus Christ does not interpose; and unless it be where reason is defective or violently abused, we cannot need laws of self-preservation, for that is the sanction and great band and endearment of all laws: and therefore there is no express law against self-murder in all the New Testament: only it is there and every where else by supposition; and the laws take care to forbid that, as they take care of fools and madmen; men that have no use or benefit of their reason, or of their natural necessities and inclinations, must be taken under the protection of others; but else when a man is in his wits, or in his reason, he is defended in many things, and instructed in more, without the help or need of laws: nay, it was need and reason that first introduced laws; for no law, but necessity and right reason, taught the first ages,

> Dispersos trahere in populum, migrare vetusto
> De nemore, et proavis habitare, et linquere silvas,
> Ædificare domos, laribus conjungere nostris
> Tectum aliud, tutos vicino limine somnos
> Ut collata daret fiducia; protegere armis
> Lapsum, aut ingenti nutantem vulnere civem.
> Communi dare signa tubâ, defendier iisdem
> Turribus, atque unâ portarum clave teneri;[e]

'to meet and dwell in communities, to make covenants and laws, to establish equal measures, to do benefit interchangeably, to drive away public injuries by common arms, to join houses that they may sleep more safe:" and since laws were not the first inducers of these great transactions, it is certain they need not now to enforce them, or become our warrant to do that, without which we cannot be what we cannot choose but desire to be.

3. But if nothing were to be done but what we have Scripture for, either commanding or commending, it were certain that with a less hyperbole than St. John used, "the world could not contain the books which should be written;" and yet in such infinite numbers of laws and sentences no man could be directed competently, because his rule and guide would be too big: and every man, in the inquiry after lawful and unlawful, would be just so enlightened, as he that must for ever remain blind, unless he take the sun in his hand to search into all the corners of darkness; no candlestick would hold him, and no eye could use him. But supposing that in all things we are to be guided by Scripture, then from thence also let us inquire for a conduct or determination even in this inquiry;—Whether we may not do any thing without a warrant from Scripture? And the result will be, that if we must not do any thing without the warrant of Scripture, then we must not for every thing look in Scripture for a warrant; because we have from Scripture sufficient instruction, that we should not be so foolish and importune, as to require from thence a warrant for such things, in which we are by other instruments competently instructed, or left at perfect liberty.

4. Thus St. Paul affirms, "All things are lawful for me;" he speaks of meats and drinks, and things left in liberty, concerning which, because there is no law, (and if there had been one under Moses, it was taken away by Christ,) it is certain that every thing was lawful, because there was no law forbidding it: and when St. Paul said, "This speak I, not the Lord;" he that did according to that speaking, did according to his own liberty, not according to the word of the Lord; and St. Paul's saying in that manner is so far from being a warranty to us from Christ,—that because he said true, therefore we are certain he had no warranty from Christ, nothing but his own reasonable conjecture. But when our blessed Saviour said, "And why of yourselves do ye not judge what is right?" he plainly enough said, that to our own reason and judgment many things are permitted, which are not conducted by laws or express declarations of God.

Add to this, that because it is certain in all theology, that "whatsoever is not of faith, is sin," that is, whatsoever is done against our actual persuasion becomes to us a sin, though, of itself, it were not; and that we can become a law unto ourselves, by vows and promises, and voluntary engagements and opinions,—it follows, that those things which of themselves infer no duty, and have in them nothing but a collateral and accidental necessity, are permitted to us to do as we please, and are in their own nature indifferent, and may be so also in use and exercise: and if we take that which is the less perfect part in a counsel evangelical, it must needs be such a thing as is neither commanded nor commended, for nothing of it is commanded at all; and

[e] Juvenal, l. v. Satyr. 15.

that which is commended, is the more not the less perfect part; and yet that we may do that less perfect part, of which there is neither a commandment nor a commendation, but a permission only, appears at large in St. Paul's[f] discourse concerning virginity and marriage. But a permission is nothing but a not prohibiting, and that is lawful which is not unlawful, and every thing may be done that is not forbidden; and there are very many things which are not forbidden, nor commanded; and therefore they are only lawful and no more.

5. But the case in short is this; In Scripture, there are many laws and precepts of holiness, there are many prohibitions and severe cautions, against impiety; and there are many excellent measures of good and evil, of perfect and imperfect: whatsoever is good, we are obliged to pursue; whatsoever is forbidden, must be declined; whatsoever is laudable, must be loved, and followed after. Now if all that we are to do can come under one of these measures, when we see it, there is nothing more for us to do but to conform our actions accordingly. But if there be many things which cannot be fitted by these measures, and yet cannot be let alone; it will be a kind of madness to stand still, and to be useless to ourselves and to all the world, because we have not a command or a warrant to legitimate an action which no lawgiver ever made unlawful.

6. But this folly is not gone far abroad into the world; for the number of madmen is not many, though possibly the number of the very wise is less: but that which is of difficulty, is this,

Quest. Whether in matters of religion, we have that liberty, as in matters of common life?—or whether is not every thing of religion determined by the laws of Jesus Christ, or may we choose something to worship God withal, concerning which he hath neither given us commandment or intimation of his pleasure?

Of Will Worship.

To this I answer by several Propositions.

7. (1.) All favour is so wholly arbitrary, that whatsoever is an act of favour, is also an effect of choice, and perfectly voluntary. Since therefore that God accepts any thing from us, is not at all depending upon the merit of the work, or the natural proportion of it to God, or that it can add any moments of felicity to him, it must be so wholly depending upon the will of God, that it must have its being and abiding only from thence. He that shall appoint with what God shall be worshipped, must appoint what that is by which he shall be pleased; which because it is unreasonable to suppose, it must follow that all the integral constituent parts of religion, all the fundamentals and essentials of the Divine worship, cannot be warranted to us by nature, but are primarily communicated to us by revelation. "Deum sic colere oportet, quomodo ipse se colendum præcepit," said St. Austin.[g] Who can tell what can please God, but God himself? for to be pleased, is to have something that is agreeable to our wills and our desires: now of God's will there can be no signification but God's word or declaration; and therefore by nothing can he be worshipped, but by what himself hath declared that he is well pleased with: and therefore when he sent his eternal Son into the world, and he was to be the great Mediator between God and man, the great instrument of reconciling us to God, the great Angel that was to present all our prayers, the only Beloved by whom all that we were to do would be accepted, God was pleased with voices from heaven and mighty demonstrations of the Spirit to tell all the world that by him he would be reconciled,—in him he would be worshipped,—through him he would be invocated,—for his sake he would accept us,—under him he would be obeyed,—in his instances and commandments he would be loved and served; saying, "This is my beloved Son, in whom I am well pleased."

8. (2.) Now it matters not by what means God does convey the notices of his pleasure; *πολυμερῶς, καὶ πολυτρόπως*, "in sundry ways and in sundry manners" God manifests his will unto the world: so we know it to be his will, it matters not whether by nature, or by revelation, by intuitive and direct notices, or by argument or consequent deduction, by Scripture or by tradition, we come to know what he requires and what is good in his eyes; only we must not do it of our own head. To worship God is an act of obedience and of duty, and therefore must suppose a commandment; and is not of our choice, save only that we must choose to obey. Of this God forewarned his people: he gave them a law,[h] and commanded them to obey that entirely, without addition or diminution; neither more or less than it; "Whatsoever I command you, observe to do it; thou shalt not add thereto nor diminish from it:" and again; "Ye shall not do after all the things that we do here this day, every man whatsoever is right in his own eyes:" that is, "This is your law that is given by God; make no laws to yourselves or to one another, beyond the measures and limits of what I have given you; nothing but this is to be the measure of your obedience and of the Divine pleasure." So that in the Old Testament, there is an express prohibition of any worship of their own choosing; all is unlawful, but what God hath chosen and declared.

9. (3.) In the New Testament we are still under the same charge; and *ἐθελοθρήσκεια*, or "will worship," is a word of an ill sound amongst christians most generally, meaning thereby the same thing which God forbade in Deuteronomy, viz. *ἕκαστος τὸ ἀρεστὸν ἐνώπιον αὐτοῦ πράττει*, as the LXX expresses it, "when every man does that" not which God commands or loves, but "which men upon their own fancies and inventions think good," that "which seems good in their own eyes;" or as our blessed Saviour[i] more fully, "teaching for doc-

[f] 1 Cor. vii. 6, 37.

[g] St. August. de Vera Relig. c. 55. Non sit nobis religio in phantasmatibus nostris. Melius est enim qualecunque verum, quam omne quicquid arbitrio cogi potest. Lib. I. de Consens. Evang. cap. 18.

[h] Deut. xii. 32. and 8.

[i] Matt. xv. 8, 9. Mark vii. 7.

trines the traditions, the injunctions or commandments of men:" the instance declares the meaning. The Pharisees did use to wash their hands before meat, cleanse the outside of cups and dishes, they washed when they came from the judgment-hall; and these they commanded men to do, saying that by such things God was worshipped and well-pleased. So that these two together, and indeed each of them severally, is will-worship in the culpable sense. He that says, "An action which God hath not commanded, is of itself necessary;" he that says, "God is rightly worshipped by an act or ceremony, concerning which himself hath no way expressed his pleasure,"—is superstitious, or a will-worshipper. The first sins against charity; the second against religion: the first sins directly against his neighbour; the second against God: the first lays a snare for his neighbour's foot; the second cuts off a dog's neck, and presents it to God: the first is a violation of christian liberty; the other accuses Christ's law of imperfection. So that thus far we are certain, 1. That nothing is necessary but what is commanded by God. 2. Nothing is pleasing to God in religion that is merely of human invention. 3. That the commandments of men cannot become the doctrines of God, that is, no direct parts of the religion, no rule or measures of conscience.

10. But because there are many actions, which are not under command, by which God in all ages had been served and delighted, and yet may as truly be called ἐθελοθρησκεία, or "will-worship," as any thing else, and the name is general and indefinite, and may signify a new religion, or a free-will offering, an uncommanded general or an uncommanded particular, that is, in a good sense or in a bad, we must make a more particular separation of one from the other, and not call every thing superstitious that is in any sense a will-worship, but only that which is really and distinctly forbidden, not that which can be signified by such a word which sometimes means that which is laudable, sometimes that which is culpable. Therefore,

What voluntary or uncommanded Actions are lawful or commendable.

11. (1.) Those things which men do, or teach to be done, by a probable interpretation of what is doubtful or ambiguous, are not will-worship in the culpable sense.—God said to the Jews, that they should rest, or keep a sabbath, upon the seventh day. How far this rest was to be extended, was to be taught and impressed not by the law, but by the interpretation of it; and therefore when the doctors of the Jews had rationally and authoritatively determined how far a sabbath day's journey was to extend, they who strictly would observe that measure which God described not, but the doctors did interpret, all that while were not to be blamed, or put off with a "Quis requisivit?" "Who hath required these things at your hands?" for they were, all that while, in the pursuance and in the understanding of a commandment. But when the Jew, in Synesius, who was the pilot of a ship, let go the helm in the even of his sabbath, and did lie still till the next even, and refused to guide the ship, though in danger of shipwreck, he was a superstitious fool, and did not expound but prevaricate the commandment. This is to be extended to all probable interpretations so far, that, if the determination happen to be on the side of error, yet the consequent action is not superstitious, if the error itself be not criminal. Thus when the fathers of the primitive church did expound the sixth chapter of St. John's gospel of sacramental manducation; though they erred in the exposition, yet they thought they served God in giving the holy communion to infants: and though that was not a worship which God had appointed, yet it was not superstition, because it was (or for aught we know was) an innocent interpretation of the doubtful words of a commandment. From good nothing but good can proceed, and from an innocent principle nothing but what is innocent in the effect. In fine, whatsoever is an interpretation of a commandment, is but the way of understanding God's will, not an obtruding of our own; always provided the interpretation be probable, and that the gloss do not corrupt the text.

12. (2.) Whatsoever is an equal and reasonable definition or determination of what God hath left in our powers, is not an act of a culpable will-worship or superstition.—Thus it is permitted to us to choose the office of a bishop, or to let it alone; to be a minister of the gospel, or not to be a minister. If a man shall suppose that by his own abilities, his inclination, the request of his friends, the desires of the people, and the approbation of the church, he is called by God to this ministry, that he should please God in so doing, and glorify his name, although he hath no command or law for so doing, but is still at his liberty, yet if he will determine himself to this service, he is not superstitious or a will-worshipper in this his voluntary and chosen service, because he determines by his power and the liberty that God gives him, to a service which in the general is pleasing to God; so that it is but voluntary in his person, the thing itself is of Divine institution.

13. (3.) Whatsoever is done by prudent counsel about those things which belong to piety and charity, is not will-worship or superstition.—Thus when there is a commandment to worship God with our body; if we bow the head, if we prostrate ourselves on the ground, or fall flat on our face, if we travel up and down for the service of God, even to weariness and diminution of our strengths, if we give our bodies to be burned, though in these things there is no commandment, yet neither is there superstition, though we design them to the service of God; because that which we do voluntarily, is but the appendage, or the circumstance, or the instance, of that which is not voluntary, but imposed by God.

14. (4.) Every instance that is uncommanded, if it be the act or exercise of what is commanded, is both of God's choosing and of man's; it is voluntary and it is imposed; this in the general, that in the particular. Upon this account, the voluntary institution of the Rechabites in drinking no wine, and building no houses, but dwelling in tents, was pleasing to

God; because although he no where required that instance at their hands, yet because it was an act or state of that obedience to their father Jonadab, which was enjoined in the fifth commandment, God loved the thing, and rewarded the men. So David poured upon the ground the waters of Bethlehem, which were the price of the young men's lives: "he poured them forth unto the Lord:" and though it was an uncommanded instance, yet it was an excellent act, because it was a self-denial and an act of mortification. The *ἐπίμετρα τοῦ νόμου*, the abundant expressions of the duty contained in the law, though they be greater than the instances of the law, are but the zeal of God, and of religion; the advantages of laws, and the enlargements of a loving and obedient heart. Charity is a duty, and a great part of our religion. He then that builds almshouses, or erects hospitals, or mends highways, or repairs bridges, or makes rivers navigable, or serves the poor, or dresses children, or makes meat for the poor, cannot, though he intends these for religion, be accused for will-worship; because the laws do not descend often to particulars, but leave them to the conduct of reason and choice, custom and necessity, the usages of society, and the needs of the world. That we should be thankful to God, is a precept of natural and essential religion; that we should serve God with portions of our time, is so too: but that this day, or to-morrow, that one day in a week, or two, that we should keep the anniversary of a blessing, or the same day of the week, or the return of the month, is an act of our will and choice; it is "the worship of the will," but yet of reason too and right religion. Thus the Jews kept the feast of Purim, the feast of the fourth, the fifth, the seventh, the tenth month, the feast of the dedication of the altar: and Christ observed what the Maccabees did institute: and as it was an act of piety and duty in the Jews to keep these feasts, so it was not a will-worship or superstition in the Maccabees to appoint it, because it was a pursuance of a general commandment by symbolical but uncommanded instances. Thus it is commanded to all men to pray: but when Abraham first instituted morning prayer, and Isaac appointed in his family the evening prayer, and Daniel prayed three times a day, and David seven times, and the church kept her canonical hours, nocturnal and diurnal offices, and some churches instituted an office of forty hours, and a continual course of prayer, and Solomon the perpetual ministry of the Levites, these all do and did respectively actions which were not named in the commandment; but yet they willingly and choosingly offered a willing but an acceptable sacrifice, because the instance was a daughter of the law, encouraged by the same reward, serving to the same end, warranted by the same reason, adorned with the same piety, eligible for the same usefulness, amiable for the same excellency, and though not commanded in the same tables, yet certainly pleasing to him, who as he gave us laws for our rule, so he gives us his Spirit for our guide, and our reason as his minister.

15. (5.) Whatsoever is aptly and truly instrumental to any act of virtue or grace, though it be no where signified in the law of God, or in our religion, is not will-worship in the culpable sense.—I remember to have read that St. Benedict was invited to break his fast in a vineyard: he, intending to accept the invitation, betook himself presently to prayer; adding these words, "Cursed is he, who first eats before he prays." This religion also the Jews observed in their solemn days; and therefore wondered and were offended at the disciples of Christ, because that early in the morning of the sabbath they ate the ears of corn. This and any other of the like nature may be superadded to the words of the law, but are no criminal will-worship, because they are within the verge and limits of it; they serve to the ministries of the chief house. Thus we do not find that David had received a commandment to build a temple; but yet the prophet Nathan told him from God, that "he did well, because it was in his heart to build it:"[k] it was therefore acceptable to God, because it ministered to that duty and religion, in which God had signified his pleasure. Thus the Jews served God in building synagogues or places of prayer besides their temple; because they were to pray besides their solemn times; and therefore it was well if they had solemn places. So Abraham pleased God in separating the tenth of his possessions for the service and honour of God; and Jacob pleased the Lord of heaven and earth, by introducing the religion of vows; which indeed was no new religion, but two or three excellences of virtue and religion dressed up with order and solemn advantages, and made to minister to the glorification of God. Thus fasting serves religion; and to appoint fasting-days is an act of religion and of the worship of God, not directly, but by way of instrument and ministry. To double our care, to intend our zeal, to enlarge our expense in the adorning and beautifying of churches, is also an act of religion or of the worship of God; because it does naturally signify or express one virtue, and does prudently minister to another: it serves religion, and signifies my love.

16. (6.) To abstain from the use of privileges and liberties, though it be no where commanded, yet it is always in itself lawful, and may be an act of virtue or religion, if it be designed to the purposes of religion or charity.—Thus St. Paul said, "he would never eat flesh, while he did live, rather than cause his brother to offend:" and he did this with a purpose to serve God in so doing; and yet it was lawful to have eaten, and he was no where directly commanded to have abstained; and though in some cases it became a duty, yet when he extended it, or was ready to have extended it, to uncommanded instances or degrees, he went not back in his religion, by going forwards in his will. Thus not to be too free in using or requiring dispensations, is a good handmaid to piety or charity, and is let into the kingdom of heaven, by being of the family and retinue of the king's daughters, the glorious graces of the Spirit of God. Thus also to deny to ourselves the use of things lawful in meat, and drink, and pleasure, with a design of being ex-

[k] 1 Kings viii. 18

emplar to others, and drawing them to sober counsels, the doing more than we are commanded, that we be not tempted at any time to do less, the standing a great way off from sin, changing our course and circumstances of life, that we may not lose or lessen our state of the Divine grace and favour; these are, by adoption and the right of cognation, accepted as pursuances of our duty and obedience to the Divine commandment.

17. (7.) Whatsoever is proportionable to the reason of any commandment, and is a moral representation of any duty, the observation of that cannot of itself be superstitious. For this we have a competent warranty from those words of God by the prophet Nathan[1] to David, "Thou shalt not build a house to the honour of my name, because thou art a man of blood." In the prosecution of this word of God, and of the reasonableness of it, it is very warrantable that the church of God forbids bishops and priests to give sentence in a cause of blood; because in one case God did declare it unfit that he who was a man of blood, should be employed in the building of a house to God. Upon this account all indecencies, all unfitting usages and disproportionate states or accidents, are thrust out of religion. A priest may not be a fiddler; a bishop must not be a shoemaker; a judge must religiously abstain from such things as disgrace his authority, or make his person and his ministry contemptible; and such observances are very far from being superstitious, though they be under no express commandment.

18. (8.) All voluntary services, when they are observed in the sense and to the purposes of perfection, are so far from being displeasing to God, that the more uncommanded instances and degrees of external duty and signification we use the more we please God. Οἱ πνευματικοὶ πάντα πράττουσιν ἐπιθυμίᾳ καὶ πόθῳ, καὶ τοῦτο δηλοῦσι τῷ καὶ ὑπερβαίνειν τὰ ἐπιτάγματα, "Spiritual men do their actions with much passion and holy zeal, and give testimony of it by expressing it in the uncommanded instances."[m] And Socrates, speaking of certain church-offices and rituals of religion, says, Ἐπειδὴ οὐδεὶς περὶ τούτου ἔγγραφον ἔχει παράγγελμα, δῆλον ὡς καὶ περὶ τούτου τῇ ἐκάστου γνώμῃ καὶ προαιρέσει ἐπέτρεψαν οἱ ἀπόστολοι, ἵνα ἕκαστος μὴ φόβῳ μηδὲ ἐξ ἀνάγκης τὸ ἀγαθὸν κατεργάζοιτο. "Since no man hath concerning this thing any written commandment, it is clear that the apostles permitted it to the choice of every one, that every one may do good not by necessity and fear," but by love and choice. Such were the free-will offerings among the Jews, which always might expect a special reward: Ἃ γὰρ ὑπὲρ τὴν ἐντολὴν γίνεται, πολὺν ἔχει μισθὸν κατὰ τοῦτο, ἃ δὲ ἐν ἐντολῆς τάξει, οὐ τοιοῦτον, "Those things which are in the tables of the commandment, shall be rewarded; but those which are more than these, shall have a greater," the reason is, because they proceed from a greater intension of the inward grace: and although the measures of the commandment were therefore less, because they were to fit all capacities, —yet they go further, and show that they are nearer to the perfections of grace than the first and lowest measures of the commandment, and therefore are disposed to receive a reward greater than they shall have who are the least in the kingdom of heaven. But of this I have already given accounts in the foregoing rule, and otherwhere.[n]

19. (9.) The circumstance of a religious action may be undertaken or imposed civilly without being superstitious.—As to worship God is a duty which can never be a superstitious will-worship, so to worship God by bowing the head or knee towards the east or west is a circumstance of this religious worship; and of this there may be laws made, and the circumstance be determined, and the whole action so clothed and vested, that even the very circumstance is, in some sense, religious, but in no sense, superstitious; for some way or other it must be done, and every man's act is determined when it is vested with circumstances, and if a private will may determine it, so may a public law, and that without fault: but of this in the sequel.

(10.) The sum is this: though the instance, the act or state be uncommanded, yet it is not culpable will-worship, if either it be a probable interpretation of a Divine commandment, or the use of what is permitted, or the circumstance or appendage to virtue, or the particular specification of a general law, or is in order to a grace instrumental and ministering to it, or be the defalcation or the not using of our own rights, or be a thing that is good in the nature of the thing, and a more perfect prosecution of a law or grace, that is, if it be a part or a relative of a law: if a law be the foundation, whatsoever is built upon it grows up towards heaven, and shall have no part in the evil rewards of superstition.

But that what of itself is innocent or laudable, may not be spoiled by evil appendages, it is necessary that we observe the following cautions.

20. (1.) Whatsoever any man does in an uncommanded instance, it must be done with liberty and freedom of conscience; that is, it must not be pressed to other men as a law which to ourselves is only an act of love, or an instrument of a virtue, or the appendage and relative of a grace. It must, I say, be done with liberty of conscience, that is, without imposing it as of itself necessary, or a part of the service of God: and so it was anciently,[o] in the matter of worship towards the east; for though generally the christians did worship towards the east, yet in Antioch they worshipped towards the west. But when they begin to have opinions concerning the circumstance, and think that, abstracting from the order of the accidental advantage, there is some religion in the thing itself, then it passes from what it ought to what it ought not, and by degrees proves folly and dreams. For when it comes to be a doctrine and injunction of men, when that is taught to be necessary which God hath left at liberty, and taken from it all proper necessity, it then changes into superstition and injustice; for it is an invading the rights of God and the rights of man; it gives a law to him that is as free as ourselves, and usurps a

[1] 2 Sam. vii. 5. 1 Chron. xxii. 8. xxviii. 3.
[m] St. Chrysost. in Rom. viii.
[n] Doctrine and Practice of Repentance, chap. 1.
[o] Socrat. lib. 5. cap. 22.

power of making laws of conscience, which is only God's subject and God's peculiar. Dogmatizing and censoriousness make a will-worship to be indeed superstition.

In prosecution of this it is to be added, it is as great a sin to teach for doctrines the prohibitions of men, as the injunctions and commandments; to say that we may not do what is lawful, as that it is necessary to do that, which is only permitted, or is commended. He that imposes on men's conscience an affirmative or a negative that God hath not imposed, is equally injurious, and equally superstitious; and we can no more serve or please God in abstaining from what is innocent, than we can by doing what he hath commanded. He that thinks he serves God by looking to the east when he prays, and believes all men and at all times to be obliged to do so, is a superstitious man; but he who believes this to be superstition, and therefore turns from the east, and believes it also to be necessary that he do not look that way, is equally guilty of the same folly; and is like a traveller that so long goes from the east, that he comes to it by his long progression in the circle. If by the law of God it be not sinful, or if by the law of God it be not necessary, no doctrines of men can make it so: to call good evil, or evil good, is equally hateful to God: and as every man is bound to preserve his liberty, that a yoke be not imposed upon his conscience, and he be tied to do what God hath left free; so he is obliged to take care that he be not hindered, but still that he may do it if he will. That this no way relates to human laws, I shall afterwards discourse: I now only speak of imposition upon men's understandings, not upon their wills or outward act. He that says, that without a surplice we cannot pray to God acceptably, and he that says we cannot pray well with it, are both to blame; but if a positive law of our superior intervenes, that is another consideration: for, "quædam, quæ licent, tempore et loco mutato non licent," said Seneca; and so, on the contrary, that may be lawful or unlawful, necessary or unnecessary, accidentally, which is not so in its own nature and the intentions of God.

21. (2.) Whatsoever pretends to lawfulness or praise by being an instrument of a virtue and the minister of a law, must be an apt instrument naturally, rationally, prudently, or by institution, such as may do what is pretended. Thus although in order to prayer I may very well fast, to alleviate the body and make the spirit more active and untroubled; yet against a day of prayer I will not throw all the goods out of my house, that my dining-room may look more like a chapel, or the sight of worldly goods may not be in my eye at the instant of my devotion: because as this is an uncommanded instance, so it is a foolish and an unreasonable instrument. The instrument must be such as is commonly used by wise and good men in the like cases, or something that hath a natural proportion and efficacy to the effect.

22. (3.) Whatsoever pretends to be a service of God in an uncommanded instance, by being the specification of a general command, or the instance of a grace, must be naturally and univocally such, not equivocally and by pretension only: of which the best sign is this,—If it be against any one commandment directly or by consequent, it cannot acceptably pursue or be the instance of any other. Thus when the Gnostics abused their disciples by a pretence of humility, telling them that they ought by the mediation of angels to present their prayers to God the Father, and not by the Son of God, it being too great a presumption to use his name and an immediate address to him, (as St. Chrysostom, Theophylact, and Œcumenius, report of them,) this was a culpable will-worship, because the relation it pretended to humility, was equivocal and spurious, it was expressly against an article of faith [p] and a Divine commandment. So did the Pythagoreans in their pretensions to mortification; they commanded to abstain from marriages, from flesh, from fish, as unclean, and ministries of sin, and productions of the devil. Both these the apostle reproves in his Epistle to the Colossians; and therefore condemns all things of the same unreasonableness.

23. (4.) All uncommanded instances of piety must be represented by their own proper qualities, effect, and worthiness; that is, if all their worth be relative, they must not be taught as things of an absolute excellency, or if it be a matter of abstinence from any thing that is permitted, and that abstinence be by reason of danger or temptation, error or scandal, it must not be pressed as abstinence from a thing that is simply unlawful, or the duty simply necessary. Thus the Encratites and Manichees were superstitious persons, besides their heresy; because although they might lawfully have abstained from all ordinary use of wine, in order to temperance and severe sobriety, yet when they began to say, that such abstinence was necessary, and all wine was an abomination, they passed into a direct superstition, and a criminal will-worship. While the Novatians denied to reconcile some sort of lapsed criminals, they did it for discipline, and for the interests of a holy life, they did no more than divers parts of the church of God did; but when that discipline, which once was useful, became now to be intolerable, and that which was only matter of government became also matter of doctrine, then they did that which our blessed Saviour reproved in the Pharisees, "they taught for doctrines the injunctions of men," and made their will-worship to be superstition.

24. (5.) When any uncommanded instance relative to a commandment is to be performed, it ought to be done temperately, and according to its own proportion and usefulness; for if a greater zeal invites us to the action, we must not give the reins and liberty that zeal, and suffer it to pass on as far as it naturally can, but as far as piously and prudently it ought. He that gives alms to the poor, may upon the stock of the same virtue, spare all vain or less necessary expense, and be a good husband to the poor, and highly please God, with these uncommanded instances of duty: but then he must

[p] John xvi. 23.

not prosecute them beyond the reason of his own affairs, to the ruin of his relations, to the danger of temptation. To pray is good; to keep the continual sacrifice of morning and evening devotions is an excellent specification of the duty of "Pray continually:" now he that prays more frequently does still better; but there is a period, beyond which the multiplication and intension of the duty are not to extend. For although to pray nine times is more than is described in any diurnal or nocturnal office; yet if any man shall pray nine-and-twenty times, and prosecute the excess to all degrees which he naturally can, and morally cannot, that is, ought not,—his will-worship degenerates into superstition; because it goes beyond the natural and rational measures, which though they may be enlarged by the passions of religion, yet must not pass beyond the periods of reason, and usurp the places of other duties civil and religious.

25. If these measures be observed, the voluntary and uncommanded actions of religion, either by their cognation to the laws, or adoption into obedience, become acceptable to God, and by being a voluntary worship, or an act of religion proceeding from the will of man, that is, from his love and from his desires to please God, are highly rewardable: Εἰ γὰρ ἑκὼν τοῦτο πράσσω, μισθὸν ἔχω, said St. Paul; "If I do this thing with a voluntary act or free choice, then I have a reward." And that no man may be affrighted with those words of God[q] to the Jews,—"Who hath required these things at your hands,"—as if every thing were to be condemned concerning which God could say, "Quis requisivit?" meaning, that "he never had given a commandment to have done it;" it is considerable, that God speaks not of voluntary, but of commanded services; he instances in such things which himself had required at their hands, "their sacrifices of bulls and goats, their new-moons and solemn assemblies, their sabbaths and oblations:" but because they were not done with that piety and holiness as God intended, God takes no delight in the outward services: so that this condemns the unholy keeping of a law, that is, observing the body, not the spirit of religion; but at no hand does God reject voluntary significations of a commanded duty, which proceed from a well instructed and more loving spirit, as appears in the case of vows and free-will offerings in the law; which although they were will-worshippings, or voluntary services, and therefore the matter of them was not commanded, yet the religion was approved. And if it be objected that these were not will-worshippings, because they were recommended by God in general; I reply, Though they were recommended, yet they were left to the liberty and choice of our will; and if that recommendation of them be sufficient to sanctify such voluntary religion, then we are safe in this whole question; for so did our blessed Saviour in the gospel, as his Father did in the law, "Qui potest capere, capiat;" and, "He that hath ears to hear, let him hear;"—and so saith Paul,[r] "He that standeth fast in his heart—(that is, hath perfectly resolved, and is of a constant temper)—having no necessity, but hath power over his own will, and hath judged in his heart that he will keep his virgin, doth well." But the ground of all is this; all voluntary acts of worship or religion are therefore acceptable, "Quia fundamentum habent in lege divinâ," "God's law is the ground of them;"—that is the canon; and these will-worshippings are but the descant upon the plain song: some way or other they have their authority and ground from the law of God; for,

26. Whatsoever hath its whole foundation in a persuasion that is merely human, and no ways relies upon the law or the expressed will of God, that is will-worship in the criminal sense, that is, it is "superstition."—So the vulgar Latin and Erasmus render the word ἐθελοθρησκεία, or "will-worship;" and they both signify the same thing, when will-worship is so defined: but if it be defined by "a religious passion or excess in uncommanded instances relating to, or being founded in, the law and will of God," then will-worship signifies nothing but what is good, and what is better; it is a free-will offering, ἀκριβεστάτη αἵρεσις τῆς θρησκείας, like the institution under which St. Paul was educated, "the strictest and exactest sect of the religion;" and they that live accordingly, are ἑκουσιαζόμενοι τῷ νόμῳ, "the voluntary and most willing subjects of the law." So that although concerning some instances it can be said, Τὸ μέν ἐστιν ἐπίταγμα, "This is directly a commandment;" and concerning others, Τὸ δὲ τῆς ἐμῆς προαιρέσεως κατάρθωμα, "This is a virtuous or a right action of my choice;" yet these are no otherwise opposed than as "in" and "super;" for the one are ἐν τῆς ἐντολῆς τάξει, "in the order and constitution of the commandment," the other ὑπέρ τὴν ἐντολήν, (as St. Chrysostom expresses it,) are "above the commandment:" yet all are in the same form or category: it is within the same limits and of the same nature, and to the same ends, and by the same rule, and of the same holiness, and by a greater love; that is all the difference: and thus it was from the beginning of the world, in all institutions and in all religions, which God ever loved.

27. I only instance in the first ages and generations of mankind, because in them there is pretended some difficulty to the question. Abel offered sacrifice to God, and so did Cain; and in the days of Enoch "men began to call upon the name of the Lord;"[s] and a priesthood was instituted in every

[q] Isa. i. 11—13.

[r] 1 Cor. vii. 37.

[s] Multi commentariorum et controversiarum scriptores ex his verbis eliciunt, homines illius seculi novos ritus, novas ceremonias et religionis formas instituisse; quia scilicet certum est, ab exordio humani generis homines Deum coluisse, atque adeò "invocasse nomen Domini." Hoc ergo quod quasi de novo factum recensetur, est institutio novorum rituum, quibus quasi de proprio Deum colere voluerunt. At notandum est in horum verborum sensu, nihil esse certum quod ad hanc rem possit pertinere. Nam passim, in Hebræorum commentariis, seculum Enoch tanquam impium memoratur: et Hebræi exponere solebant hunc locum quasi sensus esset; "tunc cum Enoch natus esset homines profanasse nomen Domini invocando nomen ejus super creaturas," sic enim verbum חוּל, derivatum scilicet à voce Colin, i. e. profana, profanasse interpretati sunt: homines scilicet tunc cœpisse appellare filios hominum, et animalia, et herbas, nomine Dei sancti benedicti. Abenezra autem et Abrabaneel simpliciorem horum verborum sensum retinuerunt: cœ-

family, and the "major domo" was the priest, and God was worshipped by consumptive oblations: and to this they were prompted by natural reason, and for it there was no command of God. So St. Chrysostom:[t] Οὐ γὰρ περί τινος μαθὼν, οὐδὲ νόμου περὶ ἀπαρχῶν διαλεγομένου ταῦτα ἀκούσας ἀλλ' οἴκοθεν καὶ παρὰ τοῦ συνειδότος διδαχθεὶς, τὴν θυσίαν ἐκείνην ἀνήνεγκε· "Abel was not taught of any one, neither had he received a law concerning the oblation of first-fruits; but of himself, and moved by his conscience, he offered that sacrifice:"—and[u] the author of the Answers "ad Orthodoxos" in the works of Justin Martyr affirms, Οὐδεὶς τῶν θυσάντων τὰ ἄλογα θυσίαν τῷ θεῷ πρὸ τοῦ νόμου μετὰ τὴν θείαν διάταξιν ἔθυσε, κἂν φαίνεται ὁ θεὸς ταύτην προσδεξάμενος, τῇ ταύτης ἀποδοχῇ δεικνύων τὸν θύσαντα εὐάρεστον αὐτῷ, "They who offered to God, before the law, the sacrifice of beasts, did not do it by a Divine commandment, though God by accepting it gave testimony, that the person who offered it was pleasing to him." What these instances do effect or persuade, we shall see in the sequel; in the mean time I observe, that they are by men of differing persuasions used to contrary purposes. Some there are that suppose it to be in the power of men to appoint new instances and manners of religion, and to invent distinct matters and forms of Divine worship; and they suppose that by these instances they are warranted to say, "that we may in religion do whatsoever by natural reason we are prompted to;" for Abel, and Cain, and Enoch, did their services upon no other account. Others that suspect every thing to be superstitious that is uncommanded, and believe all sorts of will-worship to be criminal, say—that if Abel did this wholly by his natural reason and religion, then this religion, being by the law of nature, was also a command of God; so that still it was done by the force of a law, for a law of nature being a law of God, whatsoever is done by that is necessary, not will-worship, or an act of choice and a voluntary religion.

28. Now these men divide the truth between them. For it is not true that whatsoever is taught us by natural reason, is bound upon us by a natural law: which proposition, although I have already proved competently, yet I shall not omit to add some things here to the illustration of it, as being very material to the present question and rule of conscience. Socinus, the lawyer, affirmed reason to be the natural law, by which men are inclined first, and then determined to that which is agreeable to reason. But this cannot be true, lest we should be constrained to affirm, that God hath left the government of the world to an uncertain and imperfect guide; for nothing so differs as the reasonings of men, and a man may do according to his reason, and yet do very ill. "Sicut omnis citharœdi opus est citharam pulsare, periti vero ac probè docti rectè pulsare: sic hominis cujuscunque est agere cum ratione, probi verò hominis est rectè cum ratione operari:" so Aristotle:[x] "It is the work of every musician to play upon his instrument; but to play well requires art and skill: so every man does according to reason; but to do righteous things, and according to right reason, must suppose a wise and a good man." The consequent of this is, that reason is not the natural law, but reason when it is rightly taught, well ordered, truly instructed, perfectly commanded; the law is it that binds us to operate according to right reason, and commands us we should not decline from it. He that does according to the natural law, or the law of God, does not, cannot, do amiss: but when reason alone is his warrant and his guide, he shall not always find out what is pleasing to God. And it will be to no purpose to say, that not every man's reason, but right reason, shall be the law. For every man thinks his own reason right, and whole nations differ in the assignation and opinions of right reason; and who shall be judge of all, but God? and he that is the judge must also be the lawgiver, else it will be a sad story for us to come under his judgment, by whose laws and measures we were not wholly directed. If God had commanded the priests' pectoral to be set with rubies, and had given no instrument of discerning his meaning but our eyes, a red crystal or stained glass would have passed instead of rubies: but by other measures than by seeing we are to distinguish the precious stone from a bright counterfeit. As our eyes are to the distinction of visible objects, so is our reason to spiritual, the instrument of judging, but not alone: but as reason helps our eyes, so does revelation inform our reason; and we have no law, till by revelation, or some specific communication of his pleasure, God hath declared and made a law.

[y]Now all the law of God which we call natural is reason, that is, so agreeable to natural and congenite reason, that the law is, in the matter of it, written in our hearts before it is made to be a law. "Lex est naturæ vis, et ratio prudentis juris atque injuriæ regula:" so Cicero.[z] But though all the law of nature be reason: yet whatsoever is reason, is not presently a law of nature. And therefore that I may return to the instances we are discoursing of, it follows not that although Abel and Cain and Enoch did do some actions of religion by the dictate

perunt scilicet "commemorare creatorem suum, et ad nomen ejus opera et rationes dirigere.

[t] 12 de Statuis.

[u] Ad Quest. 82.

[x] Ethic. lib. 1. cap. 7.

[y] Lex Dei mentem nostram incendens, eam ad se pertrahit, conscientiamque nostram vellicat, quæ et ipsa mentis nostræ lex dicitur. Damascen. lib. 4. cap. 26. de Fide. Ubi Clichtovæus sic exponit, lex mentis nostræ est ipsa naturalis ratio Dei legem habens sibi inditam, impressamque et insitam, quâ bonum à malo interno lumine dijudicamus.—S. Hieronymus epist. 151. ad Algasi. q. 8. hanc legem appellat legem intelligentiæ, quam ignorat pueritia, nescit infantia, tunc autem venit et præcipit, quando incipit intelligentia.—B. Maximus, tom. 5. Biblioth. centur. 5. cap. 13. Lex naturæ est ratio naturalis, quæ captivum tenet sensum ad delendam vim irrationalem. Hoc dixit imperfectè, quia ratio naturalis, tantùm est materia legis naturalis.—Rectius S. Augustinus, lib. 2 de sermone Domini in monte, Nullam animam esse quæ ratiocinari possit, in cujus conscientiâ non loquatur Deus: quis enim legem naturalem in cordibus hominum scribit nisi Deus? hoc scilicet inuuens non rationem solam, sed Deum loquentem ex principiis nostræ rationis sanxisse legem.—Idem dixit explicatius, lib. 22. contr. Faus. cap. 27. legem æternam esse divinam rationem vel voluntatem ordinem naturalem conservari jubentem, perturbari vetantem.

[z] Lib. i. De Leg.

of natural reason, that therefore they did it by the law of nature: for every good act that any man can do, is agreeable to right reason, but every act we do is not by a law; as appears in all the instances I have given in the explication and commentaries on these two last rules. Secondly, on the other side it is not true, that we may do in religion whatsoever we are prompted to by natural reason. For although natural reason teaches us that God is to be loved, and God is to be worshipped, that is, it tells us he is our supreme, we his creatures and his servants; we had our being from him, and we still depend upon him, and he is the end of all who is the beginning of all, and therefore whatsoever came from him must also tend to him; and whosoever made every thing, must needs make every thing for himself,—for he being the fountain of perfection, nothing could be good but what is from, and for, and by, and to, that fountain, and therefore that every thing must, in its way, honour and serve and glorify him:—now I say, although all this is taught us by natural reason, by this reason we are taught that God must be worshipped; yet that cannot tell us how God will be worshipped. Natural reason can tell us what is our obligation, because it can discourse of our nature and production, our relation and minority; but natural reason cannot tell us by what instances God will be pleased with us, or prevailed with to do us new benefits; because no natural reason can inform us of the will of God, till himself hath declared that will. Natural reason tells us we are to obey God; but natural reason cannot tell us in what positive commandments God will be obeyed, till he declares what he will command us to do and observe. So though by nature we are taught, that we must worship God; yet by what significations of duty, and by what actions of religion this is to be done, depends upon such a cause as nothing but itself can manifest and publish.

29. And this is apparent in the religion of the old world, the religion of sacrifices and consumptive oblations; which it is certain themselves did not choose by natural reason, but they were taught and enjoined by God: for that it is no part of a natural religion to kill beasts, and offer to God wine and fat, is evident by the nature of the things themselves, the cause of their institution, and the matter of fact, that is, the evidence that they came in by positive constitution. For "blood" was anciently "the sanction" of laws and covenants, "Sanctio à sanguine," say the grammarians; because the sanction or establishment of laws was it which bound the life of man to the law, and therefore when the law was broken, the life or the blood was forfeited; but then as in covenants, in which sometimes the wilder people did drink blood, the gentler and more civil did drink wine, the blood of the grape; so in the forfeiture of laws they also gave the blood of beasts in exchange for their own. Now that this was less than what was due is certain, and therefore it must suppose remission and grace, a favourable and a gracious acceptation; which because it is voluntary and arbitrary in God, less than his due, and more than our merit, no natural reason can teach us to appease God with sacrifices. It is indeed agreeable to reason that blood should be poured forth, when the life is to be paid, because the blood is the life; but that one life should redeem another, that the blood of a beast should be taken in exchange for the life of a man, that no reason naturally can teach us. "Ego vero destinavi cum vobis in altari ad expiationem faciendam pro animis vestris: nam sanguis est, qui pro animâ expiationem facit," said God by Moses; "The life of the flesh is in the blood; and I have given it to you upon the altar to make an atonement for your souls: for it is the blood that maketh an atonement for the soul." According to which are those words of St. Paul, "Without shedding of blood there is no remission:" meaning, that in the law, all expiation of sins was by sacrifices, to which Christ by the sacrifice of himself put a period. But all this religion of sacrifices was, I say, by God's appointment; "Ego vero destinavi," so said God; "I have designed or decreed it:" but that this was no part of a law of nature, or of prime essential reason, appears in this, 1. Because God confined it among the Jews to the family of Aaron, and that only in the land of their own inheritance, the land of promise; which could no more be done in a natural religion than the sun can be confined to a village-chapel. 2. Because God did express oftentimes that he took no delight in sacrifices of beasts; as appears in Psalm xl. l. li. and Isa. i. Jer. vii. Hosea vi. Micah vi.—3. Because he tells us, in opposition to sacrifices and external rites, what that is which is the natural and essential religion in which he does delight; the "sacrifice of prayer and thanksgiving, a broken and a contrite heart;" that "we should walk in the way he hath appointed;" that "we should do justice and judgment, and walk humbly with our God:" "he desires mercy and not sacrifice, and the knowledge of God more than burnt offerings." 4. Because Gabriel the archangel foretold[a] that the Messias should make the daily sacrifice to cease. 5. Because for above sixteen hundred years God hath suffered that nation, to whom he gave the law of sacrifices, to be without temple, or priest, or altar, and therefore without sacrifice.

30. But then if we inquire why God gave the law of sacrifices, and was so long pleased with it; the reasons are evident and confessed. 1. Sacrifices were types of that great oblation which was made upon the altar of the cross. 2. It was an expiation which was next in kind to the real forfeiture of our own lives: it was blood for blood, a life for life, a less for a greater; it was that which might make us confess God's severity against sin, though not feel it; it was enough to make us hate the sin, but not to sink under it; it was sufficient for a fine, but so as to preserve the stake; it was a manuduction to the great sacrifice, but suppletory of the great loss and forfeiture; it was enough to glorify God, and by it to save ourselves; it was insufficient in itself, but accepted in the great sacrifice; it was enough in shadow, when the substance was so certainly to succeed. 3. It was given the Jews ὅπως

[a] Dan. ix.

πιεζόμενοι, καὶ ὑπὸ κλοισῶ ἀγχόμενοι, τῆς πολυθέου πλάνης ἐκστῶσι, as the author of the Apostolical Constitution affirms, that "being laden with the expense of sacrifices to one God, they might not be greedy upon the same terms to run after many:" and therefore the same author affirms, "before their golden calf, and other idolatries, sacrifices were not commanded to the Jews, but persuaded only;" recommended, and left unto their liberty. By which we are at last brought to this truth; that it was taught by God to Adam, and by him taught to his posterity, that they should in their several manners worship God by giving to him something of all that he had given us; and therefore something of our time, and something of our goods: and as that was to be spent in praises and celebration of his name, so these were to be given in consumptive offerings;[b] but the manner and the measure were left to choice, and taught by superadded reasons and positive laws: and in this sense are those words to be understood, which above I cited out of Justin Martyr and St. Chrysostom. To this purpose Aquinas cites the gloss upon the second of the Colossians, saying, "Ante tempus legis justos per interiorem instinctum instructos fuisse de modo colendi Deum, quos alii sequebantur; postmodum vero exterioribus præceptis circa hoc homines fuisse instructos, quæ præterire pestiferum est:" "Before the law, the righteous had a certain instinct by which they were taught how to worship God, to wit, in the actions of internal religion; but afterwards they were instructed by outward precepts." That is, the natural religion consisting in prayers and praises, in submitting our understandings and subjecting our wills, in these things the wise patriarchs were instructed by right reason and the natural duty of men to God: but as for all external religions, in these things they had a teacher and a guide; of these things they were to do nothing of their own heads. In whatsoever is from within, there can be no will-worship, for all that the soul can do, is God's right; and no act of faith or hope in God, no charity, no degree of charity, or confidence, or desire to please him, can be superstitious. But because in outward actions there may be indecent expressions or unapt ministries, or instances not relative to a law of God or a counsel evangelical, there may be irregularity and obliquity, or direct excess, or imprudent expressions, therefore they needed masters and teachers, but their great teacher was God. "Deum docuisse Adam cultum divinum, quo ejus benevolentiam recuperaret, quam per peccatum transgressionis amiserat; ipsumque docuisse filios suos dare Deo decimas et primitias," said Hugo de S. Victore: "God taught Adam how to worship him, and by what means to recover his favour, from which he by transgression fell:" the same is affirmed by St. Athanasius,[c] but that which he adds, that "Adam taught his children to give first-fruits and tenths," I know not upon what authority he affirms it; Indeed Josephus[d] seems to say something against it. Ὁ θεὸς δὲ ταύτῃ μᾶλλον ἥδεται τῇ θυσίᾳ τοῖς αὐτομάτοις καὶ κατὰ φύσιν γεγόσιν τιμώμενος, ἀλλ' οὐ τοῖς κατ' ἐπίνοιαν ἀνθρώπου πλεονέκτου κατὰ βίαν πεφυκόσι, "God is not pleased so much in oblation of such things which the greediness and violence of man forces from the earth, such as are corn and fruits; but is more pleased with that which comes of itself naturally and easily, such as are cattle and sheep." And therefore he supposes God rejected Cain and accepted Abel, because Cain brought fruits which were procured by labour and tillage; but Abel offered sheep, which came by the easy methods and pleasing ministries of nature. It is certain Josephus said not true, and had no warrant for his affirmative: but that which his discourse does morally intimate, is very right,—that the things of man's invention please not God; but that which comes from him, we must give him again, and serve him by what he hath given us, and our religion must be of such things as come to us from God: it must be obedience or compliance; it must be something of mere love, or something of love mingled with obedience: it is certain it was so in the instance of Abel.

31. And this appears in those words of St. Paul:[e] "By faith Abel offered sacrifice:" it was not therefore done by choice of his own head; but "by the obedience of faith," which supposes revelation and the command or declaration of the will of God. And concerning this, in the traditions and writings of the easterlings, we find this story: "In the beginning of mankind, when Eve, for the peopling of the world, was by God so blessed in the production of children, that she always had twins before the birth of Seth, and the twins were ever male and female, that they might interchangeably marry, 'ne gens sit unius ætatis populus virorum,' 'lest mankind should expire in one generation;' Adam being taught by God did not allow the twins to marry, οὓς ἡ μὲν φύσις ἅμα τῇ γενέσει διήρτησε καὶ διέζευξε. 'whom nature herself by their divided birth had separated and divided;' but appointed that Cain should marry the twin-sister of Abel, and Abel should marry Azron the twin-sister of Cain: but Cain thought his own twin-sister the more beautiful, and resolved to marry her. Adam therefore wished them to inquire of God by sacrifice; which they did: and because Cain's sacrifice was rejected, and his hopes made void, and his desire not consented to, he killed his brother Abel; whose twin-sister after fell to the portion of Seth, who had none of his own."—Upon this occasion sacrifices were first offered. Now whether God taught the religion of it first to Adam, or immediately to Cain and Abel, yet it is certain from the apostle (upon whom we may rely, though upon the tradition of the easterlings we may not) that Abel did his religion from the principle of faith: and therefore that manner of worshipping God did not consist only in manners, but in supernatural mystery; that is, all external forms of worshipping are no parts of moral duty, but depend upon Divine institution and Divine acceptance: and although any

[b] Numb. vii.
[c] In Epist. de Perfidio Eusebii; et libro super illud, Omnia, mihi tradita sunt.
[d] Antiq. Jud. lib. 1. c. 3.
[e] Heb. xi.

external rite that is founded upon a natural rule of virtue, may be accepted into religion, when that virtue is a law; yet nothing must be presented to God but what himself hath chosen some way or other. "Superstitio est quando traditioni humanæ religionis nomen applicatur," said the gloss:[f] "When any tradition or invention of man is called religion, the proper name of it is superstition;" that is, when any thing is brought into religion, and is itself made to be a worship of God, it is a will-worship in the criminal sense. "Hanc video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, neque scitum aliquod esse populorum, sed æternum quiddam, quod universum mundum regeret, imperandi prohibendique sapientia. Ita principem legem illam et ultimam, mentem esse dicebant, omnia ratione aut cogentis, aut vetantis Dei," said Cicero;[g] "Neither the wit of man, nor the consent of the people, is a competent warranty for any prime law; for law is an eternal thing, fit to govern the world, it is the wisdom of God commanding or forbidding." Reason indeed is the aptness, the disposition, the capacity and matter, of the eternal law; but the life and form of it are the command of God. "Every plant which my heavenly Father hath not planted, shall be rooted up." Some plants arise from seed, some from slips and suckers, some are grafted, and some inoculated; and all these will grow, and bring forth pleasing fruit; but if it grows wild, that is, of its own accord, the fruit is fit for nothing, and the tree is fit for burning.

RULE XIV.

The Christian Law, both of Faith and Manners, is fully contained in the Holy Scriptures; and from thence only can the Conscience have Divine Warrant and Authority.

1. OF the perfection and fulness of the christian law I have already given accounts; but where this law is recorded, and that the Holy Scriptures are the perfect and only digest of it, is the matter of the present rule, which is of great use in the rule of conscience; because if we know not where our rule is to be found, and if there can be several tables of the law pretended, our obedience must be by chance or our own choice,—that is, it cannot be obedience which must be voluntary in the submission, and therefore cannot be chance; and it must be determined by the superior, and therefore cannot be our own antecedent choice, but what is chosen for us.

2. That the Holy Scriptures of the Old and New Testament do contain the whole will and law of God, is affirmed by the primitive fathers, and by all the reformed churches; that the Scriptures are not a perfect rule of faith and manners, but that tradition is to be added to make it a full repository of the Divine will, is affirmed by the church of Rome. For the establishing of the truth in this great rule and directory of conscience, I shall first show, as matter of fact, that the church of God in all the first and best ages, when tradition could be more certain, and assent to it might be more reasonable, did nevertheless take the Holy Scriptures for their only rule of faith and manners. 2. Next, I shall show what use there was of traditions. 3. That the topic of traditions, after the consignation of the canon of Scripture, was not only of little use in any thing, but false in many things, and therefore unsafe in all questions; and as the world grew older, traditions grew more uncertain, and the argument from tradition was intolerably worse.

3. (1.) That the first ages of the church did appeal to Scripture, in all their questions, I appeal to these testimonies.—St. Clemens[h] of Alexandria hath these excellent words: Οὐ γὰρ ἁπλῶς ἀποφαινομένοις ἀνθρώποις προσέχοιμεν, οἷς καὶ ἀνταποφαίνεσθαι ἐπ' ἴσης ἔξεστιν· εἰδ' οὐκ ἀρχεῖ μόνον ἁπλῶς εἰπεῖν τὸ δόξαν, ἀλλὰ πιστώσασθαι δεῖ τὸ λεχθέν· οὐ τὴν ἐξ ἀνθώπων ἀναμένομεν μαρτυρίαν, ἀλλὰ τῇ τοῦ Κυρίου φωνῇ πιστούμεθα τὸ ζητούμενον, ἡ πασῶν ἀποδείξεων ἐχεγγυωτέρα, μᾶλλον δὲ ἡ μόνη ἀπόδειξις, οὖσα τυγχάνει. "It is not fit that we should simply attend to the affirmatives of men, for our nay may be as good as their yea. But if the thing be matter of faith, and not of opinion only, let us not stay for a testimony of man, but confirm our question by the word of God; which is the most certain of all, or is indeed rather the only demonstration."—Now that there may be no starting-hole from these words of the saint, I only add this, that it is plain, from the whole order of his discourse, that he speaks only of the word of God written. For the words before are these; "Do they take away all demonstration, or do they affirm that there is any? I suppose they will grant there is some; unless they have lost their senses. But if there be any demonstration, it is necessary that we make inquiry, καὶ ἐκ των αὐτῶν γραφῶν ἐκμανθάνειν ἀποδεικτικῶς, 'and from the Scriptures to learn demonstratively.'" And a little after he adds, "They that employ their time about the best things, never give over their searching after truth, πρὶν ἂν τὴν ἀπόδειξιν ἀπ' αὐτῶν λάβωσι τῶν γραφῶν, 'until from the Scriptures they have got a demonstration.'" He speaks against the Gnostics, who pretended to secret traditions from I know not who: against them he advises christians, καταγηράσαι ταῖς γραφαῖς ἀποδείξεις ἐπιζητεῖν, "to wax old in the Scriptures, thence to seek for demonstrations," and by that rule to frame our lives.

4. St. Basil in his Ethics:[i] Δεῖ πᾶν ῥῆμα ἢ πραγμα πιστοῦσθαι τῇ μαρτυρίᾳ τῆς θεοπνεύστου γραφῆς, εἰς πληροφορείαν μὲν ἀγαθῶν, ἐντροπὴν δὲ τῶν πονηρῶν, "Whatsoever is done or said, ought to be confirmed by the testimony of the divinely inspired Scripture; both for the full persuasion of the good, as also for the condemnation of the evil:" πᾶν ῥῆμα ἢ πρᾶγμα, that is, "every thing" that belongs to faith and manners, not every indifferent thing, "but every thing" of duty; not every thing of a man, but "every thing" of a christian;

[f] In Coloss. ii.
[g] Lib. i. et lib. ii. De Leg. Vide Plato. dial. 10. de Leg.
[h] Clem. Alex. Stromat. 7.
[i] Definit. 26.

not things of natural life, but of the supernatural. Which sense of his words clearly excludes the necessity of tradition, and yet intends not to exclude either liberty, or human laws, or the conduct of prudence.

5. To the like purpose is that of Origen:[k] "Debemus ergo ad testimonium verborum, quæ proferimus in doctrinâ, proferre sensum Scripturæ, quasi confirmantem quem exponimus sensum;" "We ought to bring Scripture for the confirmation of our exposition:" which words of his are very considerable to those, who are earnest for our admittance of traditive interpretation of Scriptures. Concerning which, in passing by, (because it will be nothing to the main inquiry, which is not how Scripture is to be understood, but whether being rightly understood, it be a sufficient rule of faith and manners,) I shall give this account: that besides there are (I mean in matters of faith, not in matters ritual and of government) no such traditive commentaries; there being no greater variety and difference amongst the ancient and modern writers commonly and respectively in any thing than in their expositions of Scripture; no where so great liberty, no where so little agreement; besides this, I say, that they are in commentaries of Scriptures to be looked upon as so many single persons, because there was no public authentic commentary any where, no assemblies in order to any such expositions, no tradition pretended for the sense of controverted places; but they used right reason, the analogy of faith, the sense of the words, and the notice of the originals, and so they expounded certainly or probably according as it happened, according to that of St. Athanasius:[l] "Sunt vero etiam multi sanctorum magistrorum libri, in quos si quis incurrat, assequetur quodammodo Scripturarum interpretationem:" "There are many books of the holy doctors, upon which if one chance to light, he may in some measure attain to the interpretation of the Scriptures." But when they (according to Origen's way here described) confirmed an exposition of one place by the doctrine of another, then, and then only, they thought they had the ἀπόδειξις γραφική, "the Scripture demonstration," and a matter of faith and of necessary belief; and that this was the duty of the christian doctors, Origen[m] does expressly affirm: "Afterwards, as Paul's custom is, he would verify from the Holy Scriptures what he had said: so also giving an example to the doctors of the church, that what they speak to the people should not be of their own sense, but confirmed by Divine testimonies: for if he, such and so great an apostle, did not suppose his own authority sufficient warrant to his sayings, unless he make it appear that what he says is written in the law and the prophets,—how much more ought we little ones observe this, that we do not bring forth ours, but the sentences of the Holy Spirit," viz. from Scripture. For that was the practice of St. Paul, whom he in this place, for that very thing, propounds as imitable. And in pursuance of this example and advice, St. Cyril[n] expresses himself perfectly: Μὴ ταῖς ἐμαῖς εὑρεσιολογίαις πρόσεχε, "Attend not to my inventions;" for you may possibly be deceived: but trust no words, ἐὰν μὴ μάθῃς ἐκ τῶν θείων γραφῶν, "unless thou dost learn it from the Divine Scriptures." —And more fully yet he speaks in another place:[o] speaking of faith in the Holy Trinity, he advises them to "retain that zeal in their mind, which by heads or summaries is already lightly expounded to you, but if God grant, shall, according to my strength, be demonstrated to you by Scripture; δεῖ γὰρ περὶ τῶν θείων καὶ ἁγίων τῆς πίστεως μυστηρίων μηδὲ τὸ τυχὸν ἄνευ τῶν θείων παραδίδοσθαι γραφῶν, 'for it behoves us not to deliver so much as the least thing of the holy mysteries of faith without the Divine Scriptures,' nor to be moved with probable discourses. Neither give credit to me speaking, unless what is spoken be demonstrated by the Holy Scriptures: ἡ σωτηρία γὰρ αὐτη τῆς πίστεως ἡμῶν οὐκ ἐξ εὑρεσιολογίας ἀλλ' ἐξ ἀποδείξεως τῶν θείων ἐστὶ γραφῶν, 'for that is the security of our faith, which is derived not from witty inventions, but from the demonstration of Divine Scriptures.'" —"Omne quod loquimur, debemus affirmare de Scripturis Sanctis," said St. Jerome;[p] "Every thing that we speak, we must prove it from the Holy Scriptures;" not every thing absolutely, but every thing of religion, every thing of faith and manners: and if all this be not in the Scriptures, it can have no just authority. "Hoc quia de Scripturis auctoritatem non habet, eadem facilitate contemnitur qua probatur;" "If it have not its warrant from Scripture, it may with as much ease be despised as it was offered."[q] Where though St. Jerome speaks of a particular question, viz. whether Zecharias, the son of Barachias, were the father of John the Baptist; yet it could not have been applied to this particular, if it had not been true in the general, that every thing of religion may be rejected that is not proved from Scripture. But this is expressly affirmed by St. Chrysostom:[r] "Nam si quid dicitur absque Scripturâ, auditorum cogitatio claudicat," &c. "If any thing be spoken without Scripture, the thought of the hearers is lame; sometimes inclining to assent, sometimes declining; sometimes rejecting the opinion as frivolous, sometimes receiving it as probable: but when a testimony of the Divine voice proceeds from Scripture, it confirms the speech of him that speaks, and the mind of him that hears."—And upon this account it was, that St. Cyril, of Alexandria, being to dispute with Theodoret concerning some mysterious questions of religion, refused to confer but from the fountains of Scripture. "It became him, (says he,[s]) being exercised in Scriptures, since his desire was to confer with me about Divine mysteries, to speak with us only out of the Holy Scriptures, and so to frame his discourse as becomes holy things." And I should wonder if Theodoret should do otherwise; for he himself[t] brings in the orthodox christian saying to Eranistes, Μή μοι λογισμοὺς καὶ συλλογισμοὺς ἀνθρωπίνους προσενέγκῃς· ἐγὼ γὰρ μόνοι ῃ πείθομαι τῇ

[k] In Matt. tract. 5.
[l] Orat. contra Gentes.
[m] In cap. iii. Ep. Rom.
[n] St. Cyril. Hierosol. Catech. 12. Illuminatorum.
[o] Catech. 4. Illuminat.
[p] In Psal. lxxxix.
[q] Idem in Matt. cap. xxiii.
[r] Homil. in Psal. xcv.
[s] Ad Euoptium.
[t] Dialog. I. c. 5.

θεία γραφῇ. "Tell me not of your logisms and syllogisms: I rely upon Scripture alone."—In which short sentence he makes provision against all devices of man's inventing; but he establishes a remedy and an affirmative, that is equally strong against all pretension of traditions besides Scripture by saying, that "Scripture alone is the ground of his confidence, the argument of his persuasion in matters of religion." But St. Austin[u] establishes the same sufficient and only rule of Scripture; and, by way of instance, excludes the authority of councils. "Sed nunc nec ego Nicenum nec tu debes Ariminense, tanquam præjudicaturus, proferre concilium. Neque ego hujus auctoritate neque tu illius detineris: Scripturarum auctoritatibus, non quorumcunque propriis, sed utrisque communibus testibus, res cum re, causa cum causâ, ratio cum ratione concertet:" "I ought not to urge the Nicene council, nor you that of Ariminum; as prejudging the question on either side. But let the causes be confronted, argument against argument, matter against matter, thing against thing, by the authorities of Scripture, which are the witnesses common to us both." By which words, if St. Austin's affirmative can prevail, it is certain that nothing ought to be pretended for argument but Scripture in matters of religion. For if a general council, which is the best witness of tradition, the best expounder of Scripture, the best determiner of a question, is not a competent measure of determination,—then certainly nothing else can pretend to it, nothing but Scripture. And if it be replied, that "this is only affirmed by him in case that two councils are or seem contrary;" I answer, that if councils can be or seem contrary, so that wise and good men cannot competently insist upon their testimony, it is certain a man may be deceived, or cannot justly be determined by any topic but the words and consequences of Scripture; and if this be the only probation, then it is sufficient, that is certain. But that will be a distinct consideration. In the mean time, that which I intend to persuade by these testimonies, is, that the fathers of the primitive church did, in all their mysterious inquiries of religion, in all matters of faith and manners, admit no argument but what was derived from Scripture.[x]

6. (2.) Next to this and like it, is that the primitive doctors did confute all heresies from Scripture; which could no way be done, but that because "rectum est index sui et obliqui," "that which is straight, will demonstrate its own straightness, and the crookedness of that which is crooked." Scripture must be a rule of all religion and all faith, and therefore sufficient to reprove all vice and every heresy. So Tertullian[y] discourses; "Aufer hæreticis quæ cum ethnicis sapiunt, ut de Scripturis solis quæstiones suas sistant;" "Take from heretics their ethnic learning, that they may dispute their questions out of Scripture only."—To this purpose Origen[z] brings in the precedent of our blessed Lord, from scriptures confuting the heresy of the Sadducees about the resurrection. As Christ did, "sic facient et Christi imitatores exemplis Scripturarum, quibus oportet secundum sanam doctrinam omnem vocem obmutescere Pharaonis;" "so will the followers of Christ do by the examples of Scripture, which will put to silence every voice of Pharaoh;" that is, every doctrine of the adversaries. Plainer yet are those excellent words of St. Athanasius,[a] speaking but of a small part of Scripture, even so much as was sufficient to prove the articles of the Nicene creed: Ἡ γὰρ ἐν αὐτῇ παρὰ τῶν πατέρων κατὰ τὰς θείας γραφὰς ὁμολογηθεῖσα πίστις αὐτάρκης ἐστὶ πρὸς ἀνατροπὴν μὲν πάσης ἀσεβείας, σύστασιν δὲ τῆς εὐσεβείας ἐν Χριστῷ πίστεως· he says, "That faith which the fathers confessed at Nice, according to the Holy Scriptures, was sufficient to reprove all heretical impiety, and to establish our religion or faith in Christ."—And therefore St. Chrysostom[b] compares the Scriptures to a door: αὐταὶ γὰρ ἡμᾶς προσάγουσι τῷ Θεῷ, καὶ τὴν θεογνωσίαν ἀνοίγουσιν—οὕτως ἀποκλείει τοῖς αἱρετικοῖς τὴν εἴσοδον, "for they lead us to God, and open to us the knowledge of God, and keep heretics from entering in."—The metaphor is dogmatical and plain enough without a commentary. The Scripture must be the port at which every article of faith must go forth, and by which every heresy can be kept from the fold of Christ: "Quæ ignoramus, ex eâ discimus:" so Theodoret;[c] "Whatsoever we are ignorant of, we learn from thence."—"Nihil est quod nequeat Scripturis dissolvi:" so Theophylact; "There is no difficulty but may be untied by the Scriptures."

7. The author of the imperfect work upon St. Matthew, usually attributed to St. Chrysostom, discourses pertinently and extreme fully to this article. "Then 'when ye shall see the abomination of desolation standing in the holy place,' that is, when ye shall see impious heresy, which is the army of antichrist, standing in the holy places of the church, in that time, 'he which is in Judea, let him flee to the mountains,' that is, they who are in christianity, let them run to the Scriptures. And why does he com-

[u] Contra Maximinum, lib. 3. cap. 14.

[x] Vos dicitis, *licet;* nos, *non licet.* Inter *licet* vestrum, et *non licet* nostrum, nutant et remigant animi populorum. Nemo vobis credat, nemo nobis: omnes contentiosi homines sumus: quærendi sunt judices: si Christiani, de utrâque parte dari non possunt, quia studiis veritas impeditur. De foris quærendus est judex: si paganus, non potest nosse Christiana secreta: si Judæus, inimicus est Christiani baptismatis. Ergo in terris nullum de hac re reperiri poterit judicium: de cœlo quærendus est Judex. Sed quid ut pulsamus ad cœlum, cum habeamus hic in evangelio testamentum? Optat. lib. 5. contr. Parmen.—Ego solis eis scriptorum, qui jam canonici appellantur, didici hunc timorem honoremque deferre, ut nullum eorum scribendo errasse audeam credere: alios autem ita lego, ut quantâlibet sanctitate doctrinâque polleant, non ideò verum putem, quia ipsi ita senserunt, sed quia mihi vel per illos auctores canonicos, vel probabili ratione, quod à veritate non abhorreat, persuadere potuerunt. S. August. ep. 19. ad Hieronymum.—Si divinarum scripturarum, earum scilicet quæ canonicæ in ecclesiâ nominantur, perspicuâ aliquid firmatur auctoritate, sine ullâ dubitatione credendum est. Aliis verò testibus vel testimoniis, quibus aliquid credendum esse suadetur, tibi credere vel non credere licet, &c. lb. Ep. 112. Vide eundem lib. ad Donatistas post collationem, cap. 15. et lib. de Unitate Ecclesiæ, cap. 18. et 19. lib. 2. de Baptis. contra Donatistas, cap. 3.

[y] De Resur. Carnis, cap. 3.

[z] Tract 23. in Matt.

[a] Epist. ad Epict.

[b] Homil. 58. in Johan.

[c] Ad illud [ad docendum] in 2 Tim. iii. ibid.

mand all christians in that time to run to the Scriptures? Because ever since heresy did infest those churches, there can be no proof of true christianity, nor any other refuge for christians who would know the truth of faith, but that of the Divine Scripture." —And a little after: "Now by no means can he that desires, come to know which is the true church of Christ, but only by the Scriptures.—Our Lord therefore, knowing that there would be so great a confusion in the last days, commands that all christians, who would be established in the truth of faith, should fly to nothing but to the Scriptures."—These words, in some editions of the works of St. Chrysostom, are scratched out by a Roman hand, to the regret of some of his own party, and the shame of them that suffered it or are pleased with it. All that I shall say to the book is this, that it is very often urged by the greatest patrons of tradition to serve their ends in many other questions, and therefore cannot be rejected upon pretence of not being St. Chrysostom's; much less upon pretence that it was written or interpolated by an Arian; because the Arians called for Scripture in the use of the word ὁμοούσιος; but for the thing itself, they offered to be tried by tradition: and so did the catholics, as it happened, or as the peevishness of their adversaries or the advantages of the question did prompt them; but the catholics and the Arians never did differ upon the question of the sufficiency of Scripture. But as for the book, it is "liber doctus et minime spernendus," says Bellarmine;[d] and so is this testimony: and the rather because it is perfectly agreeing with the doctrine of the other fathers.

8. So St. Austin;[e] "Contra insidiosos errores Deus voluit ponere firmamentum in Scripturis, contra quas nullus audet loqui, quoquo modo qui se vult videri christianum;" "Against treacherous errors God would place our strength in the Scriptures: against which none that would any way seem a christian, dares to speak." And a little after he adds this example: "When Christ offered himself to Thomas to be handled, 'non illi suffecit nisi de Scripturis confirmaret cor credentium.' 'Christ thought it not enough unless out of the Scriptures he had confirmed the heart of the believers:' 'prospiciebat enim nos futuros,' 'he foresaw that we should come after:' for if they therefore believed because they held and handled him, what do we? Christ is ascended into heaven, not to return but at the end of the world, that he may judge the quick and the dead: whence shall we believe but by that by which he confirmed them who handled him? He opened unto them the Scriptures."—The Scriptures therefore are the great repository and the great security of faith. They are also the great and the only deletery of heresies. So Justus Orgilitanus expounds that of the Canticles,—"Take the little foxes,"—that is, "Convincite hæreticos eorumque versutias, sanctarum Scripturarum concludite testimoniis;" "Convince heretics, and restrain their subtleties and crafts, with the testimonies of the Holy Scriptures."—And thus in fact the fathers did conclude against the Gnostics, the Valentinians, the Marcionites, the Manichees, the Photinians, the Arians, the Novatians, Eutychians, Eunomians, Nestorians, Macedonians, and all the pests of christendom. "Hos percussit gladius." "The word of God is sharper than a two-edged sword;" and the magazines of Scripture were the armories of the church.

9. (3.) "The fathers did reject whatsoever was offered as an article of faith or a rule of manners, that was not in, or could not be proved from, Scriptures:" so Tertullian;[f] "Sed quoniam unum aliquod attigimus vacuæ observationis, non pigebit cætera quoque denotare, quibus merito vanitas exprobranda est, siquidem sine ullius aut dominici aut apostolici præcepti auctoritate fiunt. Hujusmodi enim non religioni, sed superstitioni deputantur, affectata et coacta, et curiosi potius quam rationalis officii:" "If you cannot show the authority of a Divine or apostolical precept, your office is not religion but superstition; not a reasonable service, but curiosity, coaction, or affectation."—Pamelius supposed these words to be very dangerous against ecclesiastical traditions. They are indeed against all such traditions, as either were mere matters of fact without command, or were postnate to the days of the apostles, —of which nature are almost all now in reputation and practice amongst the Romanists. But more fully yet and explicative of the former are those other words of Tertullian[g] against Hermogenes: "Whether all things were made of pre-existing matter, I have no where read; let the school of Hermogenes show where it is written. 'Si non est scriptum, timeat væ illud adjicientibus aut detrahentibus destinatum;' 'If it be not written, let him fear the curse of them that add or detract to or from what is written in the Scriptures.'"—But St. Basil[h] is yet more decretory: Φανερὰ ἔκπτωσις πίστεως, καὶ ὑπερηφανίας κατηγορία, ἢ ἀθετεῖν τι τῶν γεγραμμένων, ἢ ἐπεισάγειν τῶν μὴ γεγραμμένων, "It is a manifest defection from the faith, and a conviction of pride, either to reject any thing of what is written, or to introduce any thing that is not."—And therefore in pursuance of this great truth and measure of conscience, he gives[i] this rule, Πᾶν τὸ ἐκτὸς τῆς θεοπνεύστου γραφῆς οὐκ ἐκ πίστεως οὖν ἁμαρτία ἐστίν, "Whatsoever is without Scripture, not derived from thence, is not of faith, and therefore is a sin:"—And therefore every such thing St. Austin[k] accurses; "Si quis sive de Christo, sive de ejus ecclesiâ, sive de quâcunque aliâ re, quæ pertinet ad fidem vitamque nostram, non dicam si nos, sed, quod Paulus adjecit, si angelus de cœlo vobis annunciaverit præterquam quod in Scripturis legalibus et evangelicis accepistis, anathema sit;" "If any of us, I will not say, but if any angel, (for that St. Paul added,) shall say any thing of Christ or of his church, or of any other thing pertaining to faith and our life, except what we have received from the Scriptures of the law and the gospels, let him be anathema."—"Scripturis non loquentibus, quis loquetur?" "If the Scriptures speak not,

[d] Descrip. Eccl. de St. Joh. Chrysost.
[e] Tract. 2. in Epist. Johan.
[f] De Orat. c. 12.
[g] Cap. 22.
[h] Homil. de Fide.
[i] In Asceticis, reg. 80.
[k] Lib. 3. contra Liter. Petiliani, cap. 6.

who will speak?" said St. Prosper.[l]—"All things which are delivered to us by the law and the prophets and the apostles, we receive, acknowledge, and confess, neither do we inquire after any thing else: for it cannot be that beside those things which are divinely spoken by the Divine oracles of the Old and New Testament, we should say or at all think any thing of God:" so St. Cyril.[m]—These fathers speak dogmatically, generally, and peremptorily: nothing but what is in Scripture; nothing of God, nothing of Christ, nothing of his church, nothing of any thing else. Add to these, that by their doctrine of the sufficiency and sole use and necessity of Scripture in matters of religion, they do exclude by name every thing that pretends against Scripture. So Theophilus Alexandrinus;[n] "Dæmoniaci spiritus est instinctus sophismata humanarum mentium sequi, et aliquid extra Scripturarum auctoritatem sequi;" "It is the instinct of the devil to follow the inventions of men's minds, and to follow any thing without the authority of the Scriptures."—No device, no wit, no argument or invention of man, is to be admitted into religion; nothing but Scriptures: but neither may traditions be received. "Quæ absque auctoritate et testimoniis Scripturarum quasi traditione apostolicâ sponte reperiunt et confingunt, percutit gladius:" so St. Jerome;[o] "These things which they feign as if they were traditions apostolical, the sword shall smite, if they be without authority and testimonies from Scripture."—And so St. Basil[p] to the question,—"Whether new converts are to be accustomed to the Scriptures;" he answers, "It is fit that every one should, out of the Holy Scriptures, learn what is for his use; yea, it is necessary, εἰς τε πληροφορίαν τῆς θεοσεβείας, καὶ ὑπὲρ τοῦ μὴ προσεθισθῆναι ἀνθρωπίναις παραδόσεσιν, 'both for the full certainty of godliness, and also that they may not be accustomed to human traditions.'"—Where it is observable, he calls all—"human traditions"—that are not in Scripture; for if there were any Divine traditions which are not in Scripture, he ought to have advised the learning of them besides Scripture, for the avoiding of traditions which are not Divine: but the Scripture being sufficient for all, whatsoever is besides it is human, and to be rejected. I sum up this particular with an excellent discourse of the same saint, to the same purpose: he asks a question, "Whether it be lawful or profitable to any one to permit himself to do or to speak what himself thinks right, without the testimony of the Holy Scriptures." He answers,[q] (after the quotation of many places of Scripture,) "Who therefore is so mad, that of himself he dares so much as in thought to conceive any thing, seeing he wants the holy and good Spirit for his guide, that he may be directed both in mind, in word, and in action, into the way of truth, or that he would remain blind without our Lord Jesus Christ, who is the Sun of righteousness, &c.? But because of those things which are disputed amongst us, some are determined by the commandment of God in Holy Scripture, others are passed over in silence; as for those things which are written, there is absolutely no power at all given to any one, either to do any of those things which are forbidden, or to omit any of those things which are commanded; since our Lord hath at once denounced and said, 'Thou shalt keep the word which I command thee this day, thou shalt not add to it, nor take from it.' For a fearful judgment is expected, and a burning fire to devour them who dare any such thing. But as for those things which are passed over in silence, the apostle Paul hath appointed us a rule, saying, 'All things are lawful to me, but all things are not expedient; all things are lawful, but all things do not edify: let no man seek to please himself, but every one another's good.' So that it is altogether necessary to be subject to God according to his commandment."—The sum is this, Nothing is matter of duty either in word or deed, in faith or manners, but what is written in the Scriptures: whatsoever is not written there, it is left to our liberty, and we are to use it as all indifferent things are to be used, that is, with liberty and with charity. Now if concerning such things as these there be any traditions, it matters not: they are no part of our religion, but to be received like laws of man, or customs, of which account is to be given in the proper place.

10. (4.) The fathers of the church did affirm the Holy Scriptures to be a sufficient and a perfect rule of faith and manners.—"Adoro Scripturæ plenitudinem," said Tertullian,[r] "quæ mihi et factorem manifestat et facta:" "I adore the fulness of Scripture, which declares God and God's works."—His instance is in one article, but that without the rest can be no fulness: as Virgil's Georgics cannot be full, because he tells a few things well of bees and tillage. But I will not choose any authorities concerning which I need to argue; there are enough that are extremely plain, affirmative, and concluding. I instance in Irenæus:[s] "Credere hæc talia debemus Deo qui et nos fecit, rectissime scientes quia Scripturæ quidem perfectæ sunt, quippe à verbo Dei et Spiritu ejus dictæ;" "We know assuredly that the Scriptures are perfect, for they are the word of God, and spoken by the Spirit of God."—But therefore he advises,[t] "Legite diligentius id quod ab apostolis est evangelium nobis datum, et legite diligentius prophetas, et invenietis universam actionem, et omnem doctrinam, et omnem passionem Domini nostri prædicatam in ipsis;" "Read the gospel which the apostles left us more diligently, read the prophets more diligently, and you shall find declared in them all the doctrine of Christ, all his action, and all his passion." By "universam actionem" he means his life indefinitely, and in general: and certainly the New Testament needs nothing to its being a perfect rule, when it contains all Christ's doctrine, and all his story, viz. so far as concerns us. Εὐαγγελικαὶ γὰρ βίβλοι καὶ ἀποστολικαὶ τῶν παλαιῶν προφητῶν τὰ θεσπίσματα σαφῶς

[l] De Vocat. Gentium in 20. tomo operum Ambros. lib. 2. cap. 3.
[m] Lib. de Trinit. et Personâ Christi.
[n] Paschali 2.
[o] In Agge. cap. 1.
[p] In Regul. Brev. Reg. 95.
[q] In Reg. Brev. Reg. 1.
[r] Advers. Hermogen. cap. 22.
[s] Lib. 2. cap. 47.
[t] Lib. 4. cap. 66.

ἡμᾶς, ἅπερ χρὴ περὶ τοῦ Θείου φρονεῖν, ἐκπαιδεύουσι, said Constantine the emperor;[u] "The evangelical books, and those of the apostles, and the oracles of the old prophets, do evidently teach us to believe those things which we ought to believe concerning that which is Divine."—And therefore St. Athanasius, or whoever is the author of the exhortation to the monks; "Cura in canonicis ponenda est salubriter monumentis, non quod Apocrypha præsertim ignorata debeamus damnare, sed quod ad scientiam Dei digestam canonis seriem putemus posse sufficere:" "Be careful in reading the canonical Scriptures; not that the apocryphal (especially before they are known) ought to be rejected, but that we suppose the canon is sufficient" to the knowledge of God. The same with Constantine's περὶ θείου, "that which is concerning God;" that is, the religion. But more full is that short sentence of St. Athanasius;[x] Αὐτάρκεις μὲν γάρ εἰσιν ἁγίαι καὶ θεόπνευστοι γραφαὶ πρὸς τὴν τῆς ἀληθείας ἐπαγγελίαν, "The holy and divinely-inspired Scriptures are in themselves sufficient for the preaching or enunciation of the truth." To the same purpose are the words of St. Chrysostom;[y] "If there be need to learn any thing, or to be ignorant of any thing, thence we learn; if we would reprove falsehood, thence we draw; if any thing be wanting to correction, to castigation, to comfort, and that we ought to get it, from thence we learn it." Μηδὲ περιμείνῃς ἕτερον διδάσκαλον, ἔχεις τὰ λόγια τοῦ θεοῦ· οὐδείς σε διδάσκει ὡς ἐκεῖνα, "Look for no other teacher, thou hast the oracles of God: none teaches thee like them."[z] He that uses not the Scriptures, but comes into the fold of Christ some other way, that is, appoints a way to himself which the law [of God] hath not established, he is a thief. "For the Scriptures are like a most strong gate, and keep out heretics from entering, and make us altogether sure of all things whatsoever we will:"[a] "of all things," that is, of all things of religion; for that is the subject of the discourse, and explicitly delivered by him in another place. "Quicquid quæritur ad salutem, totum jam adimpletum est in Scripturis," "In the Scriptures fully there is whatsoever is looked for unto salvation."[b] And this is so expressed in an excellent place of St. Austin;[c] "In iis quæ apertè in Scripturis posita sunt, inveniuntur illa omnia, quæ continent fidem moresque vivendi, spem scilicet atque caritatem." More fully yet was that of Abbot Odilo,[d] of the Cluniac order: "Omnis ratio, quâ vel Deum vel nos cognoscimus, divinis libris continetur;" in those things which are openly or plainly placed in the Scriptures, all things are to be found which contain faith, and the manners of life, viz. hope and charity; "Every measure or manner by which we know God or ourselves, is contained in the Divine books." What can be more plain or more affirmative? But St. Austin[e] says the same thing over and over; "Legite Sacram Scripturam, in qua quid tenendum et quid fugiendum sit, plenè invenietis;" "Read the Holy Scriptures; in which ye shall [perfectly, or] fully find what is to be held, what is to be avoided."—And again:[f] "Sancta Scriptura nostræ doctrinæ regulam figit," "The Holy Scripture fixes or limits the rule of our doctrine." In hoc volumine, cuncta quæ ædificant, omnia quæ erudiunt, scripta continentur;" saith St. Gregory,[g] bishop of Rome; "In this volume, whatsoever can instruct us, whatsoever can edify us, is contained." Πάντα τὰ παραδεδομένα ἡμῖν διά τε νόμου καὶ προφητῶν καὶ ἀποστόλων καὶ εὐαγγελιστῶν δεχόμεθα καὶ γινώσκομεν καὶ σέβομεν, οὐδὲν περαιτέω τούτων ἐπιζητοῦντες, said St. Damascen;[h] "All things delivered to us by the law and the prophets, the apostles and evangelists, we receive, and know, and reverence, looking for nothing beyond these." And "to bring in any thing that is a stranger to Scripture," Theodoret[i] calls it "an extinguishing of the Spirit:" something contrary to that duty whereby we are obliged to stir up the grace of God we have received. "For the church of Christ dwells in and possesses assemblies in all the world, being joined by the unity of the Spirit, and hath cities of the law and the prophets of the gospel and apostles, she departs not out of her own bounds, that is, from the Holy Scriptures, but retains her first possession;" so St. Jerome.[k] And in his commentary on Psal. lxxxvi. (if he be the author of it, as Rupertus affirms,) expounding those words, "Dominus narrabit in scripturâ populorum et principum horum qui fuerunt in eâ," he says, "et principum," "hoc est apostolorum et evangelistarum:" "horum qui fuerunt in eâ;" "videte quid dicat, 'qui fuerunt,' non 'qui sunt,' ut exceptis apostolis, quodcunque aliud postea dicitur, abscindatur, non habeant postea auctoritatem. Quamvis ergo sanctus sit aliquis post apostolos, quamvis disertus sit, non habet auctoritatem, quoniam Dominus narrat in scripturâ populorum et principum qui fuerunt in eâ:" "'The princes of the people,' that is, the apostles and evangelists: 'of them which have been in her;' which *have been*, not which *are* in her; that excepting what the apostles say, every thing after them may be cut off, it hath no authority. For if there be any wise man, any saint, after the apostles, he hath no authority; because our Lord saith in the Scripture or writing of the princes that have been in her."—Sufficit Divina Scriptura ad faciendum eos, qui in illâ educati sunt, sapientes, et probatissimos, et sufficientissimam habentes intelligentiam: indigemusque ad hoc prorsus nihil externis magistris:" so St. Cyril[l] of Alexandria: "The Divine Scripture is sufficient to make them who are educated in it, wise and most approved, and having a most sufficient understanding, and besides this we need no external masters."—To the same purpose is that of Anastasius[m] of Antioch: "Quod quæ silentio præteriit Scriptura Divina, non sint scrutanda, perspicuum; omnia enim, quæ faciunt ad nostram utili-

[u] Apud Theodoret. Hist. Eccles. lib. 1. cap. 6. et apud Gelasium Cyzicenum in actis Concil. Nicen. lib. 2. cap. 7.
[x] Orat. contra Gentes: in initio.
[y] Homil. 9. in 2 Tim.
[z] Homil. 9. in Ep. Coloss.
[a] Homil. 58. in Johan.
[b] Homil. 41. op. imperf. in Matt.
[c] Lib. 2. cap. 9. de Doctri Christiana.
[d] Collat. lib. 1. cap. 1.
[e] Serm. 38. ad Fratres in Eremo.
[f] De Bono Viduit. cap. 1.
[g] Homil. 9. in Ezek.
[h] Lib. de Ortho. Fide, cap. 1.
[i] In Levit. q. 9.
[k] In Michæ. cap. 1.
[l] Lib. 7. contra Julian.
[m] Lib. 8. Anagogicæ Contempl. in Hexaemeron.

tatem, dispensavit et administravit Spiritus Sanctus:" "It is manifest that those things are not to be inquired into, which the Scripture hath passed over with silence. For the Holy Spirit hath dispensed to us and administered all things which conduce unto our profit." "Quicquid est de verbo Dei, quicquid sciri vel prædicari oportet, de incarnatione, de verâ divinitate et humanitate filii Dei, duobus ita continetur Testamentis, ut extra hæc nihil sit quod annunciari debeat aut credi. Totum in his comprehenditur cœleste oraculum, quod tam firmiter scire debemus, ut extra hæc audire neque hominem nobis liceat, neque angelum:"[n] "Whatsoever is of the word of God, whatsoever ought to be known or preached of the incarnation, of the true Divinity and humanity of the Son of God, is so contained in both the Testaments, that besides these, there is nothing that may be believed or preached. All the whole celestial oracle is comprehended in these, which we must so firmly believe, that besides these, it is not lawful for us to hear either man or angel:" and indeed it were not to be imagined, how the Scripture should be a canon or rule to christians, if it were so imperfect that it did not contain the measures of faith and manners. Κανών ἐστι μέτρον ἀδιάψευστον, πᾶσαν πρόσθεσιν καὶ ἀφαίρεσιν οὐδαμῶσ ἐπιδεχόμενον, said Varinus; "A rule or canon is an unerring measure, which at no hand can receive addition or suffer diminution." And St. Basil[o] reproved the heretic Eunomius for folly besides his false doctrine, because that he affirmed tradition of the fathers to be the gnomon or canon of faith, and yet said, προσθήκης ἀκριβεστέρας δεῖσθαι, "that it wanted some additament to make it exact;" one part contradicts the other. Ὁ κανὼν οὔτε πρόσθεσιν οὔτε ἀφαίρεσιν δέχεται, ἐπεὶ τὸ κανὼν εἶναι ἀπόλλυσι, saith St. Chrysostom,[p] "If any thing be put to it, or taken from it, it ceases to be a canon."—And therefore Scriptures are not the christian canon, they are not canonical, if they need to be supplied by traditions. The same is also affirmed by Œcumenius, and the very words of Chrysostom are transcribed by Theophylact.

11. (5.) Whatsoever Christ taught to his apostles by his sermons, and by his Spirit, all that the apostles taught to the church, and set it down in writing.

This we learn from St. Irenæus:[q] "Non per alios dispositionem salutis nostræ cognovimus quam per eos per quos evangelium pervenit ad nos, quod quidem hinc præconiaverunt, postea vero per Dei voluntatem in Scripturis nobis tradiderunt, fundamentum et columnam fidei nostræ futurum:" "We have known the economy of our salvation by no other but by those by whom the gospel came to us; which truly they then preached, but afterwards by the will of God delivered to us in the Scriptures, which were to be the pillar and ground to our faith;" viz. what the church was afterwards to minister, the Scriptures did consign, and both of them were pillars and grounds of faith, the church λειτουργικῶς, the Scriptures ἀνθεντικῶς, the church by way of "ministry," the Scriptures by their "authority." To this purpose are those words of St. Austin;[r] "Cum multa fecisset Dominus Jesus, non omnia scripta sunt, sicut idem ipse sanctus evangelista testatur, multa Dominum et dixisse et fecisse quæ scripta non sunt: electa sunt autem quæ scriberentur quæ saluti credentium sufficere videbantur:" "Our Lord Jesus did do many things which are not written: and the holy evangelist does witness that he both did and spake many things which are not written: but those things which were seen to suffice to the salvation of believers, were chosen to be written." And therefore St. Austin[s] and Optatus[t] compare the Scriptures to the will of the testator: concerning his goods the kindred may strive, one affirming this, and another that; but "proferte tabulas," show the will, peruse the writings; then the judge listens, the advocates are silent, the people are in suspense, the litigants wait: let the testator's words be read, that must end all contention. Now this will was therefore consigned in writing, that when our testator was gone from us, we might not doubt concerning his legacies and his commandments. The same is by Nicephorus[u] particularly affirmed of St. Paul, "Quæ præsens oratione suâ dilucide docuerat, eadem per compendium absens in memoriam revocans per epistolas dedit:" "The things which he plainly and explicitly preached, he being absent, to recall into their memory what he had delivered, set them down in his epistles as in a summary." And St. Peter having (as appears in his epistle) promised to do something to put them in mind after his decease, (meaning to remind them of the doctrine delivered,) caused St. Mark to write this gospel.

12. Thus I have sufficiently demonstrated the rule so far as this topic can extend;—that is, by matter of fact, and the doctrine of the church. For if tradition be regardable, then that the Scriptures are a sufficient and a perfect rule of faith and manners, is competently proved by that, which our adversaries in this question pretend to regard: but if tradition be not considerable, then the Scriptures alone are; and there is indeed no tradition so clear, so regular, so irreprovable, as those which are concerning Scripture. That these books are Scripture, that is, the written word of God, and that the written word of God is all that we have of God's will,—is universally delivered by the christian; and of that which of late is questioned, I have given a specimen: for if the concurrent testimony of so many fathers cannot persuade this article, then the topic of tradition will be wholly useless in all questions; but if they can, as indeed they ought, in this question, then we are fixed upon this great rule of conscience;—the Holy Scriptures are the great rule of conscience, both in doctrines of faith, and in doctrines of manners.

13. (2.) The next inquiry is, what use there is of traditions,—and if they cannot be a part of the rule, what aids do they bring to the conscience in faith or manners?

[n] Rupert. Abbas Tuitiensis Comment. in lib. Regum, l. 3. c. 12.
[o] Lib. 1. contr. Eunomium. [p] Homil. 12. in iii. Philip.
[q] Lib. 3. cap. 1.
[r] Tract. 49. in Johan. [s] Exposit. 2. Psal. xxi.
[t] Contr. Parmen. lib. 5. [u] Lib. 2. Hist. cap. 34.

14. (1.) To this I answer, that tradition is of great use for the conveying of this great rule of conscience, the Holy Scriptures of the Old and New Testament. For when I affirm that the Holy Scriptures are a perfect rule of faith and manners, that is, that they contain all the word of God,—it is to be understood, that it is a rule, a perfect rule to them, who believe them to be the word of God. For the question is not, whether Scriptures be a rule, but whether they be a perfect rule: not whether they be the word of God, but whether they be all the word of God, that is of necessity to be preached to the church. So that the traditions concerning Scripture itself, being extrinsical to Scripture, are also extrinsical to the question: and supposing that tradition were the only instrument of conveying Scripture to us, yet that tradition must not, cannot, possibly be any part of the question, for Scripture must be supposed as delivered to us and accepted for the word of God, before we can inquire, whether this Scripture, so delivered, be all the word of God or no. And indeed tradition of Scripture is the hand, that reaches forth this repository of the Divine word, but itself is not directly any part of it, it ministers to the will of God, but is no part of the matter of it: and therefore, the common pretence for the necessity of tradition besides Scripture, (because by universal tradition we understand these to be the books of Scripture,) will come to nothing,—because the question of the plenitude of Scripture is after the admission of that tradition, which reports Scripture to us to be the word of God: but it matters not how or why we believe it, whether by universal or particular tradition, whether because my priest tells me so or my father, whether I am brought into it by reason or education, by demonstrative or by probable inducements; if it be believed heartily, it is sufficient: and then it is that we affirm the Scriptures so believed to be the word of God, to be a perfect rule of all that we are to think or speak or do in order to salvation.

15. (2.) Besides this, to inquire of what use traditions are, is to no purpose for us, for there is no tradition of any doctrine of faith or rule of life, but what is in Scripture; but if there were, traditions would be of the same use as Scripture is, if the traditions were from Christ and his apostles, and were as certain, as universal, as credible, as that is by which we are told that Scripture is the word of God. For the word which is now written was first delivered, that which is now Scripture was at first tradition; and because it was afterwards called so, it hath been made use of by these persons, who,—knowing that the change of words in descending ages is least discerned by mankind, and that from words which are fewer than things, most advantages can be made by them, who love every thing better than truth,—have pretended every saying of the Scripture and fathers, in which "tradition" is used, to be a competent argument of the imperfection of Scripture, and of the necessity of a supply to be made by tradition.

16. Παράδοσις, "Tradition," is any way of communicating the notice of a thing to us: Παρέδωκα ὑμῖν ὅτι Χριστὸς ἀπέθανεν ὑπὲρ τῶν ἁμαρτιῶν ἡμῶν, "I have delivered to you that Christ died for our sins." But this tradition is also in Scripture; so St. Paul adds, that Christ died for our sins, κατὰ τὰς γραφὰς, "according to the Scriptures;"[x] and he commands the Thessalonians to preserve the traditions, which they had learned from his mouth or from his hand, from his preaching or his writings: and this use of the word continued in the church for divers ages, even till all traditions that were not in Scripture, were lost, or made uncertain. "Si ergo aut evangelio præcipitur, aut in apostolorum epistolis aut actibus continetur—observetur divina hæc et sancta traditio:" so St. Cyprian:[y] "If this be commanded in the gospel, or be contained in the epistles or Acts of the Apostles, let this Divine and holy tradition be observed."—Such was that which St. Basil calls,[z] παράδοσιν τοῦ βαπτίσματος, "the tradition of baptism," αὐτοῦ τοῦ Κυρίου ἐν τῇ παραδόσει τοῦ σωτηρίου βαπτίσματος παραδεδωκότος τὴν τάξιν, "our Lord himself having delivered or given the order in the tradition of baptism,"—and St. Irenæus[a] calls it a tradition apostolical, "Christum accepisse calicem, et dixisse sanguinem suum esse," &c. "that Christ took the cup, and said it was his blood; and that the barbarians did diligently keep the tradition," "credentes in unum Deum et in Christum qui natus est ex virgine,"—"believing in one God and in Christ who was born of a virgin."—Such traditions as these the whole church had before the consignation of scripture canon, and she retained them better by help of Scriptures. Tradition is a giving or delivering of it; and so long as it is a tradition of God, it is well enough: but if it comes to be your traditions, there is in them nothing of divinity, nothing of that authority which is to prescribe in faith and holiness. So that, in short, the thing is this:

If God by his Son, or by his apostles, or any way else, hath taught his church, there is no disputing of it; let it be made appear, that it is a tradition of God, whether written or unwritten, it matters not. If it cannot be made to appear, then "idem est non esse et non apparere," it is not obliging to us: we cannot follow the light of a candle, that is hid in a dark lantern, or thrust into a bushel. But that there is nothing of faith and manners which the church of God ever did hold necessary, or ought to have held necessary, but what is in the Scriptures—I have already largely proved, and shall, in the consequents, illustrate with other collateral lights.

17. (1.) In the mean time it ought to be known, that in the first ages of the church, the fathers disputing with heretics, did oftentimes urge against them the constant and universal tradition of the church; and it was for these reasons. 1. Because the heretics denied the Scriptures: so did the Manichees reject the four Gospels; Ebion received only St. Matthew's Gospel, Cerinthus only St. Mark, Marcion only St. Luke, and not all of that; Valentinus none but St. John, but the Alogi received all but that; Cerdo, Cerinthus, Tatianus, and Mani-

[x] 1 Cor. xv. [y] Epist. 74. ad. Pompei. [z] Lib. 3. contra Eunom. [a] Lib. 3. cap. 4.

chæus, rejected the Acts of the Apostles; the Ebionites all St. Paul's epistles; the church of Rome for a long time rejected the epistle to the Hebrews, so did Marcion; others also refused to admit the epistles of St. James and St. Jude, the second of St. Peter, the second and third of St. John, as we learn from Eusebius[b] and St. Jerome.[c] Now to such men as these, and in all the interval till the whole canon was consigned and accepted, it was of great use to allege tradition, especially because the doctrine of the Scriptures was entirely and holily preached in all the apostolical churches, and by the known and universally-preached doctrines they could very well refute the blasphemies of wicked and heretical persons. But in all this here is no objection; for all this tradition was nothing else but the doctrine of the Holy Scriptures.

18. (2.) The heretics did rely upon this topic for advantage, and would be tried by tradition; as hoping because there were, in several churches, contrary customs, there might be differing doctrines, or they might plausibly be pretended; and therefore the fathers had reason to urge tradition, and to wrest it from their hands, who would fain have used it ill. Thus did the Carpocratians in Irenæus;[d] "When they are reproved from Scripture, they accuse the Scriptures, as if they were not right, as if they had no authority, as if from them truth could not be found by them that know not tradition: for they affirm that Jesus spake some things in mystery to his disciples apart, and that they required that they might deliver them to the worthy, and to them that would assent to them."—Upon this pretence Artemon exposed his errors, saith Eusebius,[e] and Papias introduced the Millenary heresy; and by tradition the Arians would be tried, and St. Basil[f] was by them challenged in an appeal πρὸς τὴν συνήθειαν, "to custom or tradition:" and by this Eunomius did suppose he had prevailed; and St. Austin[g] affirms, that all the most foolish heretics pretend for their most senseless figments those words of our blessed Saviour, "I have yet many things to say unto you, but ye cannot bear them now." And to this purpose was that which the Basilidians did affirm; that "the mysteries of their sect were no things of public notice, but conveyed in secret."—Now to such as these there were but two ways of confutation: one was, which they most insisted upon, that the Holy Scriptures were a perfect rule of faith and manners, and that there was no need of any other tradition; the other, that the traditions which they pretended, were false, and that the contrary was the doctrine, which all the churches of God did teach always. Now thus far tradition was useful to be pleaded; that is, though the heretics would not admit the doctrine of christianity as it was consigned in Scripture, yet they might be convinced that this was the doctrine of christianity, because it was also preached by all bishops and confessed by all churches. But in all these contests the fathers did not pretend to prove by tradition what they could not prove by Scripture; but the same things were preached which were written, and no other articles of faith, no other rules and measures of good life: only because they did not consent in the authority of one instrument, they ought to be convinced by the other.

19. (3.) There is yet one use more of traditions, but it is in rituals, and in such instances, concerning which St. Paul wrote to the Corinthians these words; "The rest will I set in order when I come."—Such are, 1. The observation of the Lord's day, solemnly once a year, and less solemnly once a week, that is, the feast of Easter, and the weekly Sunday; 2. The government of the church by bishops, which is consigned to us by a tradition greater than some books of Scripture, and as great as that of the Lord's day: and that so notorious, that thunder is not more heard than this is seen in all the monuments of antiquity; 3. Offices ecclesiastical to be said and done by ecclesiastical persons: such as are, the public prayers of the church, the consecration of the blessed eucharist, the blessing of the married pairs and joining them in the holy and mysterious rite of marriage, the consecration of bishops by bishops only, and of priests by bishops and presbyters,—though for this last there is not so universal tradition, that every where requiring the imposition of the bishop's hand, and but in some places requiring the assistance of the presbyters. These three are the most universal and apostolical traditions, which although they also have great grounds in Scripture, yet because the universal practice and doctrine of the church of God in all ages and in all churches primitive is infinitely evident and notorious, less liable to exception, and an apt commentary upon the certain but less evident places of Scripture, therefore these may be placed under the protection of universal tradition; for they really have it beyond all exception. And although in these the Scripture is sufficient to all wise and good men, to all that are willing to learn and obey, and not desirous to make sects and noises;—yet because all men are not wise and good and disinterested, tradition in these things is to Scripture as a burning-glass to the sun, it receives its rays in a point, and unites their strength, and makes them burn as well as shine; that is, it makes them do that, which in their own nature they are only apt to do, and from doing which they are only hindered accidentally.

20. By these instances it is evident, that we ought not to refuse tradition when it is universal; nor yet believe, that, in any thing of great concernment, though it be but matter of rite and government, the Scripture is defective: for in these things we admit tradition to be the commentary, but Scripture to be the text: πάντα σύμφωνα ταῖς γραφαῖς, as Irenæus[h] in Eusebius expresses it, "all must be agreeable to Scripture."—And although a tradition so absolutely universal as these, were a warranty greater than any objection can be against them, and were to be admitted though they had not express authority in Scripture, as all these have; yet that even these things also are in Scripture, is a very great argument of the perfection of it.

[b] Lib. 3. Hist. cap. 25. [c] Lib. de Viris Illustr.
[d] Lib. 2. cap. 2. et 24. [e] Hist. lib. 5. c. 27.
[f] St. Basil. lib. 2. contr. Eunom.
[g] Tract. 97. in Johan. [h] Lib. 5. cap. 20.

21. For all other things the Scripture is abundant, and whatever else is to be used in the externals and appendages of religion, the authority of the church is a sufficient warranty, as I shall prove in its proper place. But if, in these externals, there be a tradition, according to the degree of its antiquity and universality, so it puts on degrees of reasonableness, and may be used by any age of the church: and if there be nothing supervening that alters the case, it is better than any thing that is new; if it be equally fit, it is not equally good, but much better.

22. This is all the use, which is, by wise and good men, made of traditions, and all the use which can justly be made by any man; and besides the premises this will be yet further apparent, that although there are some universal practices, which ever were and still are in all churches, which are excellent significations of the meaning of these scriptures, where the practices are less clearly enjoined, yet there are no traditive doctrines distinct from what are consigned in Scripture. And this I shall represent in the third particular, which I promised to give account of, viz.

23. That the topic of tradition, after the consignation of the canon of Scripture, was not only of little use in any question of faith or manners, but falsely pretended for many things, and is unsafe in all questions of present concernment.

24. In order to the proof of this, I divide the great heap of traditions, which are shovelled together by the church of Rome, into three little heaps: 1. Of things necessary or matters of faith; 2. Of things impertinent to the faith and unnecessary; 3. Of things false.

25. The traditions of things necessary, are the trinity of persons,—the consubstantiality of the eternal Son of God with his Father,—the baptism of infants,—the procession of the Holy Ghost from the Son,—and original sin,—that the Father was not begotten,—that the Holy Ghost is God, and to be invocated,—that baptism is not to be reiterated,—that in Christ there are two natures and one person. —Now that these be appertaining to the faith, I easily grant; but that the truth of these articles and so much of them as is certain or necessary is also in Scripture, I appeal to all the books of the fathers, and of all moderns[i] who do assert them by testimonies from Scripture. "Quicquid sciri vel prædicari oportet de incarnatione, de verâ divinitate atque humanitate Filii Dei, duobus ita continetur Testamentis, ut extra hæc nihil sit, quod annunciari debet aut credi," said Rupertus Abbas, as I before quoted him. "All the mysteries of Christ's nature and person, of his humanity and Divinity, are clearly set down in both Testaments." But they are not clearly reported in tradition: the fathers having sometimes spoken in these articles more in the Arian than in the catholic style, say Hosius, Gordon, Huntly, Gretser, Tanner, Perron and Fisher. By Scriptures therefore the church confuted the Arians, the Eutychians, the Nestorians, the Monothelites, the Photinians, and the Sabellians. The other articles are also[k] evidently in the words of Scripture or in the first consequences and deductions. And when we observe the men of the church of Rome going about with great pretensions to confirm all their articles by Scriptures, they plainly invalidate all pretence of necessity of traditions. If they say that all the articles of Trent are not to be found in Scripture, let them confess it plainly, and then go look out for proselytes. If they say there are scriptures for all their articles, then Scripture is sufficient, or else their faith is not. For all these I before reckoned, it is certain both they and we have, from Scripture, many proofs; and if there were not, I believe tradition would fail us very much; for the heresies which oppugned them, were very early; and they also had customs and pretences of customs to prescribe for their false doctrines: as I shall make appear in the following periods.

26. There are also traditions pretended of things which are not necessary, such as are the fast of Lent,—godfathers and godmothers in baptism,—the mixture of wine and water in the eucharistical chalice,—the keeping of Easter upon the first day of the week,—trine immersion in baptism,—the Apostle's creed,—prayer for the dead,—the Wednesday and the Friday fast,—unction of sick people,—canon of Scripture,—the forms of sacraments,—and the perpetual virginity of the Virgin Mary.—Now that these are not Divine traditions nor apostolical, appears by the destitution of their proper proof. They are ecclesiastical traditions and of several ages, and some of them of very great antiquity; but of what obligation they are, I shall account in the chapter of "Laws Ecclesiastical." In the meantime, they neither are of the necessity of faith, or the essential duty of christian religion: and therefore as a christian can go to heaven without the observation of them in certain circumstances, so is the Scripture a perfect canon without giving rules concerning them at all.

27. But then as for others, there are indeed a great many pretended to be traditions, but they are false articles, or wicked practices, or uncertain sentences at the best. I reckon some of those which the Roman church obtrudes: such as are invocation of saints and angels; adoration of them, and worshipping of images; the doctrine of purgatory; prayer in an unknown tongue; the pope's power to depose kings, and to absolve from lawful and rate oaths; the picturing of God the Father and the holy Trinity; the half-communion; the doctrine and practice of indulgences; canon of the mass; the doctrine of proper sacrifice in the mass; monastical profession; the single life of priests and bishops. Now these are so far from being apostolical tradi-

[i] De author. S. Script. lib. 3. p. 53. tom. 1. contr. 1. de Verbo Dei, cap. 19. In colloq. Ratisbon. lib. 3. cap. 3. contre le Roy Jaques, et lib. 2. cap. 7. de Euchar. cont. Du Plessis. et cap. 5. obser. 4. Resp. ad Quæst. 9. Jacobi Regis Epiph. hæres. 69.

[k] St. Ambros. cap. 5. lib. de Fide contra Arianos. S. Aug. tract. 97. in Johan. et epist. 174. 178. St. Athanas. in libel. de Decret. Synod. Nicen. Tertul. adv. Praxeam. Theodoret. dial. 2. cap. 4. Salmero, disp. 4. in 2. ad Tippoth.

tions, that they are, some of them, apparently false, some of them expressly against Scripture, and others confessedly new, and either but of yesterday, or, like the issues of the people, born where and when no man can tell. Concerning indulgences, Antonius,[l] the famous archbishop of Florence, says, that "we have nothing expressly recited in Holy Scripture, nor are they found at all in the writings of the ancient doctors." The half-communion is, by the council of Constance, affirmed to be different from the institution of Christ, and the practice of the primitive church. Concerning invocation of saints, "Cum scriberentur Scripturæ, nondum cœperat usus vovendi sanctis."[m]—Bellarmine[n] confesses that "in the age in which the Scriptures were written, the use of making vows to saints was not begun;" and Cardinal Perron[o] excludes the next ages from having any hand in the invocation of them. "Et quant aux autheurs plus proche du siècle apostolique, encore qu'il ne se trouve pas de vestiges de ceste coustume," &c. "In the authors more near the apostolical age, no footsteps of this custom can be found."

Concerning making an image of the Father or of the holy Trinity, Baronius cites an epistle of Gregory II. An. Dom. 726, in which he gives a reason why the church did not make any picture of the Father; which forces him to confess, that the beginning of the custom of painting the Father and the Holy Ghost, "postea usu venit in ecclesiâ," "came into use afterward in the church."

The doctrine of purgatory is not only expressly against Scripture, saying, "Blessed are the dead which die in the Lord, even so saith the Spirit, that they rest from their labours;"—but it is also certain, that it was not so ancient as the canon of the Roman mass; the age of which no man can tell any more than they can tell the age of a flock of sheep or a company of men and children together; for one piece is old, and another is late, and another of a middle age. But the prayer which in the canon is for the dead, supposes that they are not in purgatory: but prays for them which are asleep in rest and quietness.

28. I shall not instance in any more, because I shall, in other places, meet with the rest: but these are a sufficient indication, how the church hath been abused by the pretence of tradition; and that a bold man may, in private, confidently tell his parishioner, that any doctrine is a tradition; and he is the more likely to prevail, because he cannot be confuted by his undiscerning hearer, since so great parts and so many ages of the church have been told of things, that they were traditions apostolical, when the articles themselves are neither old nor true. Is it imaginable by a man of ordinary understanding, or that hath heard any thing of antiquity, that the apostles should command their followers to worship the relics of St. James, or St. Stephen; or that St. Peter did ever give leave to a man that had sworn, to go from his oath, and not to do what he had sworn he would? Is it likely that St. Peter or St. Paul should leave secret instructions with St. Clement or St. Linus, that they might depose kings lawfully when it was in their power, and when kings did disagree in opinion from them? Is there any instance, or precept, or line, or doctrine, or history, that ever any apostle or apostolical man consecrated the holy communion where there was none to communicate? It was never heard that a communion could be single, till the "catholic" church came to signify the "Roman:" and yet if Scripture will not prove these things, tradition must. The experience and the infinite unreasonableness of these things does sufficiently give a man warning of attending to such new traditions, or admitting the topic in any new dispute, it having been so old a cheat: and after the canon of Scripture was full, and after that almost the whole church had been abused by the tradition of Papias in the Millenary opinion, which for three hundred years of the best and first antiquity prevailed, all the world would be wiser than to rely upon that which might introduce an error, but which truth could never need, it being abundantly provided for in Scripture.

29. Sometimes men have been wiser; and when a tradition apostolical hath been confidently pretended, they would as confidently lay it aside, when it was not in Scripture. Clemens Alexandrinus reckons many traditions apostolical; but no man regards them. Who believes that the Greaks were saved by their philosophy, or that the apostles preached to dead infidels, and then raised them to life,—although these were by St. Clement affirmed to have been traditions apostolical? Did the world ever the more believe that a council might not be called but by the authority and sentence of the bishop of Rome, though Marcellus was so bold to say it was a canon apostolical? And after St. Jerome had said these words, "præcepta majorum apostolicas traditiones quisque existimat," that "what their fathers commanded, all men were wont to call them traditions apostolical;" no man had reason to rely upon any thing, which, by any one or two or three of the fathers, was called tradition apostolical, unless the thing itself were also notorious, or proved by some other evidence. But this topic of tradition is infinitely uncertain; and therefore if it be pretended new, it can be of no use in any of our questions. For if, in the primitive church, tradition was claimed by the opposite parties of a question, who can be sure of it now? Artemon pretended it to be an apostolical tradition that Christ was ψιλὸς ἄνθρωπος, "a mere man;" and the Nicene fathers proved it was not so, but much rather the contrary: but that topic would not prevail for either side. In the question of rebaptization of persons baptized by heretics, both sides pretended tradition; so they did in that impertinent, but (as they then made it) great question of the time of keeping Easter. Clemens Alexandrinus[p]

[l] Summa Theol. p. 1. tit. 10. cap. 3. de Indulg. fol. 202. Venet. 1582. Vide etiam Cajetan. cap. 2. de Indulgent. Navar. Comment. de Jubil. et Indulgent.
[m] Biel. lect. 57. in Can. Missæ.
[n] De Cultu Sanctorum, cap. 9. sect. Præterea.
[o] Contre le Roy de la Grand Bretagne, p. 1009.
[p] Lib. 1. Stromat.

said it was an apostolical tradition, that Christ preached but one year; but Irenæus[q] said it was an apostolical tradition, that Christ was about fifty years old when he died, and consequently that he preached almost twenty years. But if they, who were almost at the fountain, were uncertain of the river's head; how shall we know it, who dwell where the waters are ready to unbosom themselves into the ocean? And to pretend an apostolical tradition in matters of faith, now that the books of the fathers have been lost, and yet there are a very great many to be read for the proving of tradition, that is, that there are too many and too few; that in the loss of some of them possibly we have lost that light which would have confuted the present pretences of tradition, and the remaining part have passed through the limbecs and strainers of heretics, and monks, and ignorants, and interested persons, and have passed through the corrections and deturpations and mistakes of transcribers, (a trade of men who wrote books that they might eat bread, not to promote a truth,)—and that they have been disordered by zeal and faction and expurgatory indices, and that men have been diligent to make the fathers seem of their side; and that heretics have taken the fathers' names and published books under false titles, and therefore have stamped and stained the current; is just as if a Tartar should offer to prove himself to have descended from the family of King David, upon pretence that the Jews mingled with their nation, and that they did use to be great keepers of their genealogies.

30. But after all this, the question of tradition is wholly useless in the questions between the church of Rome and the other parts of christendom. Not only because there are many churches of differing rites and differing doctrines from the Roman, who yet pretend a succession and tradition of their customs and doctrines "per tempus immemoriale," they know not when they began, and, for aught they know, they came from the apostles, and they are willing to believe it, and no man amongst them questions it, and all affirm it; particularly the Greek church, the Russians, the Abyssines: but also because those articles which they dispute with the other churches of the west, cannot be proved by tradition universal, as infinitely appears in those pitiful endeavours and attempts, which they use to persuade them to be such; which if they did not sometimes confute themselves, the reader may find confuted every where by their learned adversaries.

31. Therefore, although the perfection of Scripture be abundantly proved, yet if it were not, tradition will but make it less certain, and therefore not more perfect. For besides that nuncupative records are like diagrams in sand and figures efformed in air, volatile and soon disordered,—and that by the words and practice of God, and all the world, what is intended to last was therefore written, as appears in very many places in Scripture,[r] and therefore Job calls out, "O that my words were now written, O that they were printed in a book, that they were engraven with an iron pen and lead in the rock for ever;" upon which words the Greek Catena says, "He draws a similitude from them, who put those things in writing, which they very greatly desire should remain to the longest posterity;" and that the very nature of things is such, that a tradition is infinitely better preserved in writing than in speaking, and besides all those very many weak and uncertain and false traditions with which several men, and several ages, and several churches, have abused others, or been abused themselves; I instance in two great things, by the one of which we may see how easily the church may be imposed upon in the matter of tradition; and by the other, how easily those men impose upon themselves whose faith hath a temporal bias and divertisement.

33. The first, is that very many epistles of popes, viz. from St. Clemens to St. Gregory, that is, for above five hundred years, were imposed upon the church as the genuine writings of those excellent men, who governed the church of Rome in all her persecutions, and hardnesses: and of these epistles the present church of Rome makes very great use to many purposes, and yet no imposture could be greater than this.

34. For, 1. They are patched up of several arguments and materials not at all agreeing with the ages in which they were pretended to be written, but are snatched from the writings of other men and latter times. 2. They were invented after St. Jerome's time, as appears in the citation of the testimonies of Scripture from St. Jerome's translation, and the author cited St. Jerome's version of the Hebrew psalter. 3. They were not known in Rome for eight ages together; which were a strange thing that the records of Rome should have no copies of the epistles of so many of the bishops of Rome. 4. They are infinitely false in their chronology; and he that invented them, put the years of false councils to their date, as Baronius himself confesses, quite reckoning otherwise: and in the epistles of the whole five-and-forty, the decrees of councils and the words of ecclesiastical writers are cited, who yet were not at all in their ages, but wrote after the death of those popes who are pretended to have quoted them; or something is said that could not be done or said by them, or in their times. 5. They are written with the same style; and therefore it is no more probable that they should be the genuine epistles of so many popes, than that so many men in several ages should have the same features in their faces; but these epistles say over the same things several times, even unto tediousness, and yet use the very same words without any differing expressions. 6. And sometimes these words were most intolerably barbarous, neither elegantly fine, nor elegantly plain, but solecisms, impure words, and the most rude expressions, not unlike the friars' Latin, or the "epistolæ obscurorum virorum." 7. None of the ancient writers of the church did ever cite any testimony from these epistles for eight

[q] Lib. 2. cap. 39.

[r] Exod. xvii. 14, xxxiv. 27. Job xix. 23, 24. Psal. cii. 1. Isai. xxx. 8. Jer. xxx. 2. Rev. i. 11, 19. xxi. 5.

hundred years together, only one part of one of the epistles of St. Clement was mentioned by Ruffinus and the council of Vase. 8. None of those who wrote histories ecclesiastical, or of the church-writers, made mention of them: but all that do, were above eight hundred and thirty years after the incarnation of our blessed Lord. 9. And all this beside the innumerable errors in the matter which have been observed by the centuriators of Magdeburg, David Blondel, and divers others. And a more notorious cheat could never have been imposed upon the world; but that there are so many great notorieties of falsehood, that it is hard to say which is greater, the falsehood of the pontifical book, or the boldness of the compiler. Now if so great a heap of records can at once be clapped upon the credulity of men, and so boldly defended as it is by Turrian and Binius, and so greedily entertained as it is by the Roman confidants, and so often cited as it is by the Roman doctors, and yet have in it so many strange matters so disagreeing to Scripture, so weak, so impertinent, and sometimes so dangerous, there is very great reason to reject the topic of traditions, which can be so easily forged, and sometimes rely upon no greater foundation than this, whose foundation is in water and sand and falsehood that is more unstable.

35. The other thing is, that heretics and evil persons, to serve their ends, did not only pretend things spoken by the apostles and apostolical and primitive men, (for that was easy,) but even pretended certain books to be written by them, that under their venerable names, they might recommend and advance their own heretical opinions. Thus some false apostles, as Origen relates, wrote an epistle, and sent it to the church of Thessalonica under St. Paul's name, which much troubled the Thessalonians; and concerning which, when St. Paul had discovered the imposture, he gives them warning, that "they should not be troubled about any such epistle, as if he had sent it."—Thus there was a book published by an Asian priest under St. Paul's name, as St. Jerome reports, containing the vision of Paul and Tecla, and I know not what old tale of the baptizing Leo. Some or other made St. Clement a Eunomian, and Dionysius of Alexandria an Arian, and Origen to be every thing, by interpolating their books, or writing books for them. Ruffinus tells that the heretics endeavoured to corrupt the gospels: and that they did invent strange acts of the apostles, and made fine tales of their life and death, we need no better testimony than Tertullian's instances in his books against Marcion: and for this reason Origen[s] gives caution, "Oportet caute considerare, ut nec omnia secreta, quæ feruntur nomine sanctorum, suscipiamus;" "We must warily consider and not receive all those secret traditions, which go up and down under the names of saints," viz. of the holy apostles. And of the same nature is that famous cheat that usurps the name of Dionysius the Areopagite, called "The passion of Peter and Paul:" as who please may see in Laurentius Valla and Erasmus. And such is the book of the same passions attributed to Linus; which was invented so foolishly and carelessly, that it contradicts the Scriptures most apparently, as every one that reads it may without difficulty observe. Now the observation from these things is plain: in the matter of traditions, as they are now represented, there is so much of human failings, and so little of Divine certainty, they are often falsely pretended, and never truly proved, and if they should need to be proved, were therefore not to be accepted; because no particular proofs can make them universal; and if they be not universal, of themselves they cannot be credible, but need something else to make them so; they are (whether true or false) so absolutely now to no purpose, because it is too late to prove them now, and too late to need them, the church having so long accepted and relied upon the canon of Scripture, that we are plainly, and certainly, and necessarily, devolved upon Scripture for the canon of our faith and lives. For though no man ought to reject tradition if he did need it, and if he could have it,—yet because he neither can want it, (because Scripture is a perfect rule,) nor can have it, (because it cannot in any of our questions be proved,) we must rely upon what we have. It is in the matter of traditions as in the epistle of St. Paul to Laodicea: if this or those were extant and sufficiently transmitted and consigned to us, they would make up the canon as well as those we have: but there is no such thing as the Laodicean epistle, and there is no such thing as tradition of doctrines of faith not contained in Scriptures. The fathers that had them, or thought they had them, might call upon their churches to make use of them; but we that cannot have them, must use what we have: and we have reason to give thanks to God, that we have all that God intended to be our rule. God gave us in Scripture all that was necessary; it was a perfect rule; and yet if it had not, it must become so when we have no other.

36. But, upon the matter of this argument, there are three questions to be considered in order to faith and conscience.

1. Whether there be not any rules and general measures of discerning tradition, by which although tradition cannot be proved the natural way, that is, by its own light, evidence of fact and notoriety,—yet we may be reasonably induced to believe, that any particular is descended from tradition apostolical, and consequently is to be taken in, to integrate the rule of conscience?

2. How far a negative argument from Scripture is valid, and obligatory to conscience?

3. Whether there may be any new articles of faith, or that the creed of the church may so increase, that what is sufficient to salvation in one age, cannot serve in another?

Question I. is concerning the indirect ways of discerning traditions.

37. In vain it is to dispute, whether traditions are to integrate the canon of Scripture, when it cannot be made to appear that there are any such things as apostolical traditions of doctrines not contained in Scripture. For since the succession in all the chairs hath been either interrupted or disordered by

[s] Homil. 26. in Matt.

wars or heresies, by interest or time, by design or by ignorance, by carelessness or inconsideration, by forgetfulness or unavoidable mistake, by having no necessity of tradition, and by not delivering any,—it is in vain to dispute concerning the stability of atoms, which as of themselves they are volatile and unfixed, so they have no basis but the light air, and so are traditions: themselves are no argument, and there are no traditions; they are no necessary or competent stabiliment of doctrine or manners; or, if they were, themselves have no stabiliment.

38. For it is certain, there can be no tradition received for apostolical at a less rate than the rule of Vincentius Lirinensis. For to prove by Scripture that there are any traditions not written in Scripture, is a trifling folly; since there might be necessity of keeping traditions before all that which is necessary was set down in writing. So that all the pretensions taken from Scripture in behalf of traditions, are absolutely to no purpose, unless it were there said, "There are some things which we now preach to you which shall never be written; keep them:" but the naming of "traditions" in some books of Scripture, and the recommending them in others, is no argument to us to inquire after them, or to rely upon them; unless that which was delivered by sermon, was never to be delivered by writing, and that we knew it as certainly as that which is. And the same is to be said of the sayings of fathers who recommend traditions; for although the argument lessened every year, yet it was better then than it can be now; it could serve some uses then, it can serve none now; it might in some instances be certain, and safe in many, but now it cannot be either, neither certain, nor safe, nor necessary, nor of any use at all; which having been made to appear in the preceding numbers, it must follow that there can be no doctrinal traditions besides the matters of Scripture; because there are none such recommended to the church by the measures of Vincentius Lirinensis. There is no doctrine, no rule of faith or manners, which is not in the Holy Scriptures, and yet which was "believed always, and in all churches, and of all men in those churches." For although it is very probable, that Vincentius, by this rule, intended to reprove the novelties and unusual doctrines, which St. Austin by his great wit and great reputation had brought into the church, contrary to the sentiments and doctrines of the fathers which were before him;—yet it will perfectly serve to reprove all our late pretensions to traditions. For by this measure, we find it not to be enough that a doctrine hath been received for a thousand years together by the catholic church, reckoning from his period upwards; unless it were also received by the apostolical ages and churches throughout the world, it is nothing: and if it were received by all the apostolical churches, and all good and wise men in those churches, and so downwards; wherever any church failed, it was to their own prejudice, not to the prejudice of the doctrine: for that was apostolical which was from the beginning; and whatsoever came after, could not change what was so before: and the interruption of an apostolical truth, though for a thousand years together, cannot annul the obligation, or introduce the contrary. So that if we begin to account by this rule of Vincentius and go backwards, it is nothing unless we go back as far as to the apostles inclusively; but if we begin there, and make that clear, it matters not how little a way it descends: and therefore although it is an excellent rule to reprove vain and novel pretensions, yet there is nothing to be proved by it practicably: for we need not walk along the banks and intrigues of Volga, if we can at first point to the fountain; it is that whither the long progression did intend to lead us. If any thing fails in the principle, it is good for nothing; but if the tradition derive from the fountain, and the head be visible, though afterwards it run under-ground, it is well enough. For if a doctrine might invade the whole church which was not preached by the apostles, or if the doctrine might to many good and wise persons seem to have possessed the whole church, that is, to be believed by all those that he knows, or hears of, or converses with, and yet not have been the doctrine of the apostles; it is certain that this universality, and any less than that which takes in the apostles, can never be sufficient warranty for an article of faith or a rule of life, that is, the instance and obligation of a duty necessary to salvation. But how shall we know concerning any doctrine, whether it be a tradition apostolical? Here the rule of Vincentius comes in. If it can be made to appear that all churches and all men did, from the apostles' times down to the time of inquiry, accept it as true, and report it from the apostles, then it is to be so received and continued. Indeed a less series and succession will serve. For if we can be made sure that the age next to the apostles did universally receive it as from the apostles, then we may not reject it. But what can make faith in this? certainly nothing; for there is no doctrine so delivered but what is in Scripture. Indeed some practices and rituals are, because the public exercise and usages of the church being united and notorious, public and acted, might make the rite evident as light; but in doctrines (besides Scriptures) we have not records enough to do it; and therefore this general rule of Vincentius not being practicable, and the other lesser rules or conjectures rather being incompetent, *μένωμεν ὅστις ἐσμὲν*, "we must remain as we are," and give God thanks for the treasures of Holy Scripture, and rejoice and walk in the light of it.

39. But let us try a little. The first rule which is usually given, is this; "That which the catholic church believes as an article of faith, which is not found in Scriptures, is to be believed to descend from apostolical tradition." This rule is false and insufficient upon many accounts.

1. For if the church can err, then this rule can have no firmament or foundation. If she cannot err, then there is no need either of Scriptures or tradition; and there is no use of any other argument to prove the truth of an article or the divinity of a truth, but the present belief and affirmation of the church, for that is sufficient, whether it be written or not written, whether it be delivered or not.

But, 2. Supposing the church could not err in matters of faith, yet no man says but she may err in matter of fact: but whether this thing was delivered by the apostles is matter of fact; and therefore though the church were assisted so that she could not mistake her article, yet she may mistake her argument and instrument of probation; the conclusion may be true, and yet the premises false; and she might be taught by the Spirit, and not by the apostles.

3. No man now knows what the catholic church does believe in any question of controversy; for the catholic church is not to be spoken with; and being divided by seas, and nations, and interests, and fears, and tyrants, and poverty, and innumerable accidents, does not declare her mind by any common instrument, and agrees in nothing but in the Apostles' creed, and the books of Scripture; and millions of christians hear nothing of our controversies, and if they did, would not understand some of them.

4. There are thousands that do believe such an article to be taught by the catholic church, and yet the catholic church with them is nothing but their own party; for all that believe otherwise, they are pleased to call heretics. So that this rule may serve every party that is great, and every party that is little, if they add pride and contumacy to their article: and what would this rule have signified amongst the Donatists, to whom all the world was heretic but themselves? and what would it signify amongst those peevish little sects, that damn all the world but their own congregations? even as little as it can to the church of Rome, who are resolved to call no church "catholic" but their own.

5. The believing of such an article of faith could not be indication of a true catholic, that is, of a true member of the catholic church: because if the article is to be proved to be apostolical by the present belief of the catholic church, either the catholic church is the whole christian church, and then we can never tell what she believes in a particular question; (and indeed she believes nothing in the question, because if it be a question, the catholic church is divided in her sense of it;) or else the catholic church is some body or church of christians separate from the rest, and then she must by other means be first known that she is the catholic church, before we can accept her belief to be an argument that the article is an apostolical tradition. Add to this, that the church's believing it, is not, cannot be, an argument that the doctrine is apostolical; but on the contrary, it ought to be proved to be apostolical, before it is to be admitted by the churches. And if it be answered, that "So it was to those churches who admitted it first, but to us it ought to be sufficient that the church received it, and we ought therefore to conclude it to be apostolical;" I reply, that it is well if it was first proved to the church to be apostolical; but then if the primitive church would not receive the doctrine without such evidence, it is a sign that this was the right way of proceeding, and therefore so it ought to be with us: they would not receive any doctrine, unless it were proved to come from the apostles; and why should we? and to say that "because they received it, we ought to suppose it to have been apostolical," I say, that is to beg the question: for when we make a question whether the church did well to receive this doctrine, we mean, whether they did receive it from the apostles or no. And therefore to argue from their receiving it, that it was apostolical, is to answer my question by telling me, "I ought to suppose that, and to make no question of it." But if this rule should prevail, we must believe things which even to affirm were impudent. The church of Rome, calling herself the catholic church, affirms it to be heresy to say that "it is necessary to give the communion under both kinds to the laity;" but he that will from hence, though he believe that church to be the catholic, conclude that doctrine to be the apostolic; must have a great ignorance or too great a confidence. Nay, this rule is in nothing more apparently confuted than in this instance: for the canon in the council of Constance, which establishes this for catholic doctrine, by confessing it was otherwise instituted by Christ, and otherwise practised at the beginning, confesses it not to be apostolic. So that, upon this account, it is obvious to conclude, that either the universal church can err, or else the same thing can come and cannot come from tradition apostolical. For the half-communion is no where commanded in Scripture; therefore either the ancient catholic church did err in commanding the whole communion, or the modern catholic church (I mean the Roman, which pretends to the name) does err in forbidding it; or else, if neither do err, then the communion under both kinds did come and did not come from tradition apostolical.

But, 6. Suppose it were agreed, that one congregation is the catholic church, and resolved upon which is that congregation, yet if it be but a part of christians, and that interested, it is not in the nature of the thing to infer, that because this interested divided part believes it, therefore the apostles taught it: this consequent is not in the bowels of that antecedent, it cannot be proved by this argument: if it can be proved by revelation, that what the present church believes, was a tradition apostolical, let it be shown, and there is an end of it. In the mean time this rule is not of itself certain, or fit to be the proof of what is uncertain, and therefore not a good rule, till it be proved by revelation.

7. It is evidently certain, that what one age believes as a necessary doctrine, another age (I mean of the catholic church) did not believe for such; and it is not sufficient for the making of a catholic doctrine that it be "ubique," "believed every where," unless it be also "semper et ab omnibus," "always and by all men." I instance in the communicating of infants, which was the doctrine of St. Austin and of Pope Innocentius, and prevailed in the church for six hundred years, (says Maldonat[t] the Jesuit,) that it was necessary to the salvation of infants, that they should receive the holy sacrament of the Lord's supper. Now it is also as certain that for six hun-

[t] In cap. vi. Johan. n. 116.

dred years more, the church, which calls herself catholic, believed the contrary. Which of these can prove apostolical tradition? for if it be objected, that this was not the doctrine of the catholic church in those ages, in which the most eminent fathers did believe and practise it, besides, that it is not probable that they would teach it to be necessary, and generally practise it in their churches, if the matter had been nothing but their own opinion, and disputed by others; I add this also, that it was as much the doctrine of the catholic church, that it was necessary, as it is now that it is not necessary: for it is certain the holy fathers did believe, and teach, and practise it, and the contrary was not disputed; but now though it be condemned by some, it is still practised by very great parts of the catholic church, even by all the Greek church, and by those vast numbers of christians in Ethiopia.[u] So that although no doctrinal tradition is universally received but what is contained in Scriptures; yet those that have been received as universally as any other matter of question is, have been and have not been believed by the church in several ages: and therefore if this rule be good, they must prove, that the same doctrine was and was not a tradition apostolical.

8. This rule were good (and then indeed only) if there were no way to make an opinion to be universally received but by derivation from the apostles. But, (1.) There are some which say, "Every age hath new relations:" where this is believed, it is apparent, an opinion, which the apostles never heard of, may be adopted into the faith and universally received. But, besides this, there are more ways of entry for a popular error than any man can reckon or any experience can observe. (2.) It is not impossible, that some leading man may be credulous and apt to be imposed upon by heretics and knaves; but when he hath weakly received it, it shall proceed strongly upon his authority. The matter of Papias about the doctrine of the Chiliasts is notorious in this particular. (3.) It is also very possible, that what is found at first to be good, shall be earnestly pressed by a zealous man, and he may over-express himself, and consider not to what consequence it may afterwards be extended; and then following ages may observe it, and make a logical conclusion from a rhetorical expression; and then what only good men had entertained when it was called useful, all men shall receive when it is called necessary; and it is no great progression from what all men believe good, that some men should believe necessary, and from them others, and from others all men. It was thus, in many degrees, in the matter of confession and penance. (4.) It is not very unlikely, certainly it is no way impossible, but that the reputation of some great man in the church may prevail so far by our weaknesses and his own accidental advantages, that what no man at first questions, very many will afterwards believe, and they introduce more; and from more to most, and from most to all men, are no impossible progressions if we consider how much mankind, especially in theology, have suffered the authority of a few men to prevail upon them. (5.) Does not all the world see that zeal makes men impatient of contradiction, and that impatience makes them fierce in disputing, and fierce in fighting, and ready to persecute their enemies? and what that unity and universality are which can be introduced by force, a great part of the world hath had too long an experience to be ignorant. 6. Beyond all this, a proposition may be supposed to follow from an apostolical tradition, and prevail very much upon that account; and yet it would be hard to believe the scholar's deduction equally with the master's principle, and a probable inference from tradition equal to the very affirmative of the apostles. A man may argue, and argue well too, and yet the conclusion will not be so evident as the principle: but that it may equally prevail, is so certain, that no man can deny it but he that had never any testimony of the confidence of a disputing man, and the compliance of those who know not so well, or inquire not so strictly, or examine not suspiciously, or judge not wisely.

40. (2.) The next rule which is pretended for the discovery of an apostolical tradition, is this,—"That which the universal church observes, which none could appoint but God, and is not found in Scripture, it is necessary to say that it was delivered by Christ and his apostles."—This rule must needs be false, because it does actually deceive them that rely upon it. Because their church, which they will fondly suppose to be the catholic, uses certain sacramentals to confer grace (which none could institute but Christ, who alone is the fountain of grace) and the Holy Spirit to his servants; but yet to pretend that they are traditions apostolical were the greatest unreasonableness in the world. I instance in holy water, baptizing of bells, hallowing of Agnus Dei, roses, swords, hats, chrism, and the like, which no man can fairly pretend to be traditions apostolical, but yet they are practised by all their catholic church, and they are of such things as no man but God could be the author of, if they were good for any thing; but then to conclude from hence that they are traditions apostolical, were just as if one were to give a sign how to know whether lying were lawful or unlawful, and for the determination of this question should give this rule,—"Whatsoever mankind does universally which they ought not to do without God's law, that certainly they have a law from God to do;"—but all mankind are given to lying, and yet nothing can make it lawful to lie, unless there be a warranty, or no prohibition from God to lie; therefore certain it is, that to lie descends from the authority of God. Indeed if the catholic church could not be uncharitable, if they could not sin against God, then it were certain, if they all did it, and it were not warranted in Scripture, it must be from God: but it does not follow, it would be by tradition; because it may be by the dictate of right reason, by natural principles, or it would be a thing indifferent; but that it must be by tradition, if it were not by Scripture, or by the church, were as if we should say, "If Lælaps be not a horse, or begotten by a lion, he must needs be a bear;" but these

[u] Vide Hierom. Patriar. Constantinop. Doctr. et Exhor. ad Germanos.

rules are like dead men's candles, they come from no certain cause, and signify no determined effect; and whether they be at all, we are no surer than the reports of timorous or fantastic persons can make us. But this rule differs not at all from the former, save only, that speaks of doctrinal, and this of ritual traditions: but both relying upon the same reason, and that reason failing, (as I have proved,) the propositions themselves do fail. But then as to rites, it is notorious beyond a denial, that some rites used in the universal church, which are also said to be such which none ought to appoint but God, were not delivered by the apostles. I instance in the singularity of baptism of heretics, which the whole church now adheres to, and yet if this descended from apostolical tradition, it was more than St. Cyprian or the African churches knew of, for they rebaptized heretics, and disputed it very earnestly, and lived in it very pertinaciously, and died in the opinion.

41. (3.) The third rule is,—"Whatsoever the catholic church hath kept in all ages by-gone, may rightly be believed to have descended from the apostles, though it be such a thing which might have been instituted by the church."—This rule is the same with that of Lirinensis, of which I have already given account: and certainly in those things in which it can be made use of, (which are extremely few,) it is the best, and indeed the only good one. But then this can relate only to rituals, not to matter of doctrine; for nothing of this can be of ecclesiastical institution and appointment: it cannot be a doctrine of faith unless it be of Divine tradition; for Christ is the author and finisher of our faith, which the church is to preach and believe, not to enlarge or shorten, not to alter or diversify. But then as to rituals, the keeping of Easter on the first day of the week by this rule cannot be proved to be an apostolical tradition; because the Asian churches kept it otherwise: and by this rule the keeping of Lent-fast for forty days will not be found to be an apostolical tradition; because the observation of it was very full of variety, and some kept it forty hours, some a day, some a week, as I shall afterwards in its proper place make to appear. But by this rule the distinction of bishops and presbyters is an apostolical tradition (besides the Scriptures, by which it appears to be Divine); by this the consecration of the blessed eucharist by ecclesiastical persons, bishops and priests, is certainly a tradition apostolical; by this the Lord's day is derived to us from the apostles; and by this the baptism of infants is much confirmed unto the church; and whatsoever can descend to us, and be observed in this channel, there is no sufficient reason to deny it to be apostolical: but then how far it can be obligatory to all ages and to all churches, will be another consideration; it being on all hands confessed, that some rituals which were observed in the apostles' times, are, with good cause and just authority, laid aside by several churches. But of this I shall give particular accounts.

42. (4.) "When all the doctors of the church by common consent testify concerning any particular that it descends from apostolical tradition, we are to hold it for such; whether they affirm this in all their writings, or together in a council."—To this rule I answer, That where it would do good, there it is not practicable; and where it is practicable, there it is not true. For it is indeed practicable, that a council may give testimony to a particular, that it came from the apostles; but it does not follow that they are not deceived; for it never was, and it never will be, that all the doctors of the church shall meet together in council, and unless they do, their testimony is not universal. But if all the fathers should write in their books that such a thing was delivered by the apostles, unless it were evidently against Scripture or right reason, there could be no sufficient cause to disbelieve it; and it were the best way we have of conveying and handing the tradition to us, next to the universal practice of the church in her rituals. But there is no such thing so conveyed to us: and therefore Bellarmine plays at small game with this rule, and would fain have the world admit tradition for apostolical, if some fathers of great name say so, and others that speak of the same thing, contradict it not. But this is a plain begging, that when he cannot prove a thing to be tradition apostolical by a good argument and sufficient, we will be content to take it without proof, or at least to be content with such as he hath, and believe his own word for the rest, though he knows nothing of it. If it fails or goes less than "omnibus, and semper, and ubique," which is Vincentius's measure, it cannot be warranted, and he that allows it, is more kind than wise. St. Basil[x] proves the perpetual virginity of the blessed Virgin Mary by a tradition, that Zachary was slain by the Jews between the porch and the altar for affirming her to be a virgin after the birth of her most holy Son: but St. Jerome[y] says it is "apocryphorum somnium," "a dream of apocryphal persons." But it was a long time before the report of the Millenary tradition was contradicted; and yet, in that interval, in which many of the most eminent fathers attested it to have descended from the apostles, it was neither true nor safe to have believed it. But then as to the particular and more practicable part of this rule, that "if a general council affirms it to be tradition apostolical, it is so to be accepted," it is evidently fallacious and uncertain; for the second council of Nice affirmed the veneration of images to be an apostolical tradition: but it is so far from being true that it was so as they affirmed, that not only the apostolical, but divers of the following ages hated all images, and did not think it lawful so much as to make them; of which I have already[z] given a large account in this book.

43. (5.) "When the apostolical churches, which from the apostles have had uninterrupted succession, do witness concerning any thing that it is apostolical tradition, it is to be admitted for such:"—This rule was good before the channels were mingled with impure waters entering in. It was used by Irenæus, Tertullian, St. Austin, and others; and it was to them of great advantage. But although it was

[x] Serm. de S. Nativitat.

[y] In Matt. xxiii.

[z] Cap. 2. rule 6.

good drinking of Euphrates when it newly ran from the garden of Eden, yet when it began to mingle with the Borborus, it was not good: and who durst have trusted this rule when Dioscorus was bishop of Alexandria, who yet was lineally descended from St. Mark? And who durst have relied upon this rule, when Pope Julius absolved the Sabellian heretics, and communicated with Marcellus Ancyranus? and when St. Basil[a] complains of the western bishops, and particularly the Roman, "quod veritatem neque nôrunt, neque discere sustinent—cum iis, qui veritatem ipsis annunciant, contendentes, hæresin autem per se ipsos stabilientes:" "that they neither know the truth nor care to learn it; but they contend with them who tell them the truth, and by themselves establish heresy:"—"Quia multi principes et summi pontifices et alii inferiores inventi sunt apostatâsse à fide, propterea ecclesia consistit in illis personis, in quibus est notitia vera, et confessio fidei et veritatis."[b] How can this rule guide any man, when all the apostolical churches have fallen into error, and many popes have been apostates from the faith, and the church consisted not of prelates, but indifferently of all that believed and professed the truth, which the popes and princes and prelates did deny? The apostolical church of Antioch is not; and the patriarchal church of Alexandria is accused by the Latins of great errors; and the mother-church of Jerusalem hath no succession, but is buried in ruins; and the church of Rome is indeed splendid, but he that will take her word for tradition, is sure to admit many false ones, but not sure of any true, but such as she hath in common with all the churches of the world.

44. I conclude therefore this question, that, amongst those rules of discerning traditions truly apostolical from them that are but pretended such, there is no rule competent but one, which is scarcely practicable, which indeed transmits to the church a few rituals, but nothing of faith or rule of good life; and therefore it is to no purpose to look any where else for the Divine rule of conscience, but in the pages of the Old and New Testament: they are sufficient, because they were intended by God to be our only rule; and yet if God had intended traditions to be taken in, to integrate the rule, and to oblige our conscience, it is certain that God intends it not now, because the traditions are lost if there were any; and if they be now, they do not appear, and therefore are to us as if they were not.

Question II.

45. The second question also does very nearly relate to conscience and its conduct, viz. "Since the Scripture is the perfect rule of conscience, and contains in it all the will of God, whether or no, and how far is a negative argument from Scripture to prevail?"—

46. The resolution of this depends upon the premises. For if Scripture be the entire rule of faith and of manners, that is, of the whole service and worship of God, then nothing is an article of faith, nothing can command a moral action, that is not in its whole kind set down in Scripture. This I proved by direct testimonies of Tertullian, St. Basil, St. Austin, St. Cyril, Theophilus Alexandrinus, and St. Jerome, in the foregoing numbers.[c] To which I add these excellent words of St. Cyril of Jerusalem; speaking of the Jerusalem creed, which he had recited and explicated, and promised to prove from Scripture, he gives this reason; "Nam divinorum sanctorumque fidei mysteriorum nihil, ne minimum quidem, absque divinis Scripturis tradi debet, neque simplici probabilitate neque verborum ornatu traduci;" "Not the least part of the Divine and holy mysteries of faith must be delivered without the Divine Scriptures. Believe not me telling thee, unless I demonstrate what I say from the Divine Scripture. For the safety and conservation of our faith rely upon the proof of the Divine Scriptures."—But because there are some particulars and some variety in the practice of this rule, I am to consider it now to other purposes.

47. (1.) "Nothing is necessary either to be believed or done, unless it be in Scripture:"—Thus St. Gregory Nyssen[d] argues, "Ubinam dixit Deus in evangeliis oportere credere in unum et solum verum Deum? Non possent ostendere nisi habeant ipsi novum aliquod evangelium. Quæ enim ab antiquis per traditionem ad hæc usque tempora in ecclesiis leguntur, hanc vocem non continent quæ dicat, oportere credere vel baptizare in unum solum verum Deum, quemadmodum isti autumant, sed in nomen Patris, et Filii, et Spiritûs Sancti." I have, I confess, something wondered at the matter of this discourse. For either the Arians have infinitely imposed upon us, and interpolated Scripture in a very material article; or else St. Gregory forgot the seventeenth of St. John and the third verse; or else he insisted only upon the words δεῖ πιστεύειν, for the same sense is in the place now cited. For if this be "life eternal to know him the only true God, and whom he hath sent, Jesus Christ," then also to believe in them only is life eternal, and then we are tied to believe in none else; for we cannot believe in that we do not know. Indeed the words are not there or any where else, that we "ought to believe in [God the Father] him, the one only true God," &c. But certainly, if we are to know him only, then only to believe in him seems to be a very good consequent. But St. Gregory therefore only insisted upon the very words, and thought himself safe (as indeed he was) upon the reverse of another argument. For since the words "oportere credere in unum solum verum Deum" were not in St. John or any where else, he concluded the contrary sense from a very good argument: we are commanded to be baptized into the faith of Father, Son, and Holy Ghost, therefore we are to believe in three: and because the word "believe" was not set down expressly where knowledge is confined to one or two, therefore it cannot be said that we are tied to believe only in one or two: but because to believe in three can be inferred as a duty from another place, and therefore it cannot be denied as a consequent from this; and therefore he had no reason to insist upon his negative argument. Thus St. Austin also

[a] Epist. 10. [b] Lyra in Matt. cap. xvi. [c] Vide num. 9. [d] Orat. 2. contra Eunomium.

argued;[e] "Pater enim solus nusquam legitur missus," "The Father is never, in Scripture, said to be sent; therefore no man must say it."—So Epiphanius;[f] "Ipsa dictio non omnino cogit me de Filio Dei discere: non enim indicavit Scriptura, neque quisquam apostolorum meminit, neque evangelium:" "The manner of speaking compels me not to understand it of the Son of God: for the Scripture hath not declared it; neither the gospel nor any of the apostles hath made any mention of it."

48. (2.) "A negative argument from the letter of Scripture is not good, if the contrary affirmative can be drawn by consequent from any part of it:"—Thus our blessed Saviour confuting the Sadducees, in the article of the resurrection, hath given us a warranty for this proceeding; "God is the God of Abraham, Isaac, and Jacob." These were the words of Scripture. But these directly would not do the work. But therefore he argues from hence, "God is not the God of the dead, but of the living:" therefore these men are alive. That the Holy Ghost is God is no where said in Scripture: that the Holy Ghost is to be invocated is no where commanded, nor any example of its being done recorded. It follows not therefore that he is not God, or that he is not to be invocated: and the reason is, because that he is God is a certain consequent from something that is expressly affirmed; and therefore the negative argument is imperfect, and consequently not concluding. "Quæ neque à christianis dicuntur neque creduntur, neque ex consequente per ea, quæ apud nos certa sunt et concessa intelliguntur,"[g] &c. "If christians did never speak, nor believe any such thing, nor can they be drawn from the consequence of those things which are certain and granted amongst us, then indeed it is to be rejected from our creed."—Now amongst christians this is believed as certain, that we may pray to him in whom we believe; that we believe in him, into the faith of whom we are baptized; that we are commanded to be baptized into the belief and profession of the Father, Son, and Holy Ghost: from hence christians do know that they are to invocate the Holy Ghost. For St. Paul's argument is good, "How shall we call on him on whom we have not believed?" therefore we may call on him, if we believe on him: according to that rule of reason, "Negatio unius diversum affirmat," "The denying of one is the affirmation of its contrary," in like matter.—And something of this was used by Paschasius[h] the deacon: and the effect of it prevailed upon this account of a negative from Scripture; "In nullis autem canonicis libris, de quibus symboli textus pendet, accepimus, quia in ecclesiam credere sicut in Spiritum Sanctum Filiumque debemus;" "We are taught in no Scripture (from whence the Creed is derived) to believe in the church, as we believe in the Son and in the Holy Ghost: and therefore we ought not to do it; but it being plain in the Creed and consequently in the Scripture, that we must believe in the Holy Ghost, therefore also we may pray to him, and confess him to be God. To the same purpose St. Basil argues concerning the Holy Spirit; "Dignitate namque ipsa secundum esse à Filio pietatis sermo fortassis tradit: natura vero tertia uti nec à Divinis Scripturis edocti sumus, nec ex antecedentibus possibile est consequenter colligi," that the Holy Spirit is of a nature distinct from the Father and the Son, we neither are taught in Scripture, "neither can it be drawn into consequence from any antecedent pretences."[i]

49. (3.) "A negative argument of a word or an expression cannot be consequently deduced to the negation of the mystery signified by that word:"—The Arians therefore argued weakly, "Show us in all the Scripture that the Son is called ὁμοούσιος or "consubstantial" to the Father; if you cannot, you ought not to affirm it." For we know God is one; if therefore we find in Scripture that the Son is true God, we know he must needs be of the same substance with his Father; for two substances cannot make one God. So though the blessed Virgin Mary be not in Scripture called Θεοτόκος, "the mother of God," yet that she was the mother of Jesus, and that Jesus Christ is God, and yet but one person, that we can prove from Scripture, and that is sufficient for the appellative: and if the church of Rome could prove the mystery of transubstantiation from Scripture, we would indulge to them the use of that word, or any other, aptly to express the same thing.

50. (4.) "A negative argument from Scripture is sufficient to prove an article not to be of necessary belief, but is not sufficient to prove it not to be true:"—Because although the Scripture is the measure of faith and of manners, yet it is not an adequate measure of all truth. The meaning of which rule takes in all truths of art, of experience, of prudence, of tradition, and common report. Thus although it be no where said in Scripture that our blessed Saviour said, "nunquam læti sitis, nisi cum fratem vestrum in caritate videritis," "Be never very merry, but when you see your brother in charity;" yet St. Jerome reports it of him, and it is a worthy saying, and therefore may very well be entertained, not only as true and useful, but as from Christ. The Scripture no where says that the blessed Virgin was a virgin perpetually, to the day of her death: but as therefore it cannot be obtruded as an article of faith, yet there are a great many decencies and probabilities of the thing, besides the

[e] Lib. 2. de Trinit. cap. 5. et cap. 6.
[f] Contr. Hær. lib. 2. tom. 2.
[g] St. Greg. Nyssen. ibid.
[h] Lib. de Spir. de cap. 1.
[i] Nonne perspicuum est, ista tametsi non dicantur, tamen ex illis colligi quæ hæc necessarió efficiant ac probent? Quæ tandem? "Ego sum primus;" et post hæc, "et ante me non est alius Deus, et post me non erit." Totum enim quicquid est, mecum, nec principium habens, nec finem habiturum. His à Scripturâ acceptis, illud quidem, quod ante eum nihil sit, nec antiquiorem causam habeat, anarchum et ingenitum appellâsti: quod autem, nunquam desiturum sit, immortale, exitiique expers. Nazianz. lib. 5. Theol. interprete Jacobo Billio.—Et infra; Cum ergo in nominibus et rebus tantum discrimen reperiatur, quid causæ est cur literæ tantopere serviasi, Judaicæque sapientiæ teipsum adjungas, relictisque rebus syllabas consecteris? Quod si te bis quinque aut bis septem dicente, decem aut quatuordecim ex verbis tuis colligerem, aut ex eo quod animal ratione præditum et mortale diceres, hominem esse concluderem, an tibi viderer delirare? Neque enim verba magis sunt ejus qui loquitur quam illius qui loquendi necessitatem simul affert.

great consent of almost all the church of God, which make it very fit to be entertained. There are some things which are "pie credibilia," "there is piety in the believing them:" and in such cases it is not enough that there is nothing in Scripture to affirm it; if there be any thing in any other topic, it is to be entertained according to the merit of the thing.

51. (5.) "A negative argument from Scripture does not conclude in questions of fact:"—And therefore St. Jerome[k] did not argue rightly, "Quanquam excepto apostolo non sit manifeste relatum de aliis apostolis quod uxores habuerint, et cum de uno scriptum sit ac de cæteris tacitum, intelligere debemus, sine uxoribus eos fuisse, de quibus nihil tale Scriptura significat;" "The Scripture names only Peter's wife, and does not say that any other of the apostles were married, therefore we are to conclude that they were not."—For besides that the allegation is not true, and St. Paul intimates that the other apostles as well as Peter, did lead about a sister, a wife: and that from thence the fathers did believe them all to have been married except St. John, and some also except St. Paul; yet the argument is not good: for it may as well be concluded, that St. Peter never had a child, or that Christ did never write but once when he wrote upon the ground, because the Scripture makes no mention of either.

52. (6.) "When a negative argument may be had from Scripture for both the parts of the contradiction, nothing at all can be concluded thence:"—But it must be wholly argued from other topics. The Scripture neither says that Christ did ever laugh, nor does it say that he did never laugh; therefore either of the contradicting parts may be equally inferred, that is, truly neither. And indeed this is of itself a demonstration, that in matters of fact and matters not necessary, a negative argument from Scripture is of no use at all.

53. (7.) "But when the question is of lawful or unlawful, then it is valid."—If it be not in Scripture forbidden, directly or by consequent, then it is lawful; it is not by God forbidden at all. And on the other side, if it be not there commanded, it is not necessary. Lucentius thus argued in the council of Chalcedon; "Dioscorus synodum ausus est facere sine auctoritate sedis apostolicæ, quod nunquam licuit, nunquam factum est." That it was never done, proves not but that it may be done; but if it was never lawful to be done, then it was forbidden; for whatsoever is not forbidden is not unlawful: but if it was not in Scripture forbidden, then "aliquando licuit," "it once was lawful;" and therefore is always so, if we speak of the Divine law;" and if Lucentius speaks of that, he ought to have considered it in the instance; but I suppose he means it of custom, or the ecclesiastical law; and therefore I meddle not with the thing, only I observe the method of his arguing.

54. (8.) "An argument from the discourse of one single person omitting to affirm or deny a thing relating to that of which he did discourse, is no competent argument to prove that the thing itself omitted was not true:"—And therefore Ruffinus[l] had but a weak argument against the tradnction of the soul when he argued thus; "Si anima quoque esset ex animâ secundum illorum vanas opiniones, nunquam profecto hoc Adam præterisset. Nam sicut 'os ex ossibus meis, et caro de carne mea' dicebat, sic etiam 'anima ex animâ meâ dicere potuisset. Sed tantùm hoc dixit quod sibi videlicet sciebat oblatum." "Adam seeing his wife, said, 'This is bone of my bone and flesh of my flesh;' for he knew what was taken from him; but he could have said, 'soul of my soul,' if the soul had been derived from him."—This, I say, is no good argument, unless every one must be supposed when he says any thing, to say all that is true, and all that he knows: so that Ruffinus, in this particular, defended a good cause with a broken sword.

55. (9.) "But if that which is omitted in the discourse, be pertinent and material to the inquiry, then it is a very good probability, that that is not true that is not affirmed:"—When the Jews asked our blessed Saviour, "Why do the disciples of John and of the Pharisees fast often, but thy disciples fast not?"—he gave an answer that related to the present state of things and circumstances at that time, and said nothing of their not fasting in the time of the gospel: from which silence we may well conclude, that there is nothing in the religion disobliging Christ's disciples from fasting; if it had, it is very likely it would have been then expressed when there was so apt an occasion, and the answer had been imperfect without it. St. Jerome's[m] was also very good, but not so certain as the other, against the tale of Leo baptized after his death, and the periods of Paul and Tecla; "Igitur periodos Pauli et Teclæ et totam baptizati Leonis fabulam inter apocryphas Scripturas computamus. Quale enim est ut individuus comes apostoli inter cæteras ejus res hoc solum ignoraverit?" It is not likely that St. Luke, who continually attended on St. Paul, observed all his actions, remarked his miracles, described his story, should omit things so strange, so considerable, if they had been true.

56. The reason of these things is, "Every thing is to be suspected false that does not derive from that fountain, whence men justly expect it, and from whence it ought to flow."—If you speak of any thing that relates to God, you must look for it there where God hath manifested himself; that is, in the Scriptures. If you speak of any human act or ordinance, or story and matter of fact, you must look for it in its own spring and original, or go the nearest to it you can. And thus the bishops, at the conference had with the Acephali, heretics who had churches without bishops, refused their allegations of the authority of Dionysius the Areopagite,[n] upon this account; "Illa testimonia quæ vos Dionysii Areopagitæ dicitis, unde potestis ostendere vera esse sicut suspicamini? Si enim ejus essent, non potuissent latere beatum Cyrillum. Quid autem de beato Cyrillo dico, quando et beatus Athanasius, si pro certo scisset ejus fuisse, ante omnia in Niceno concilio de consubstantiali Trinitate eadem testimonia protulisset adversus Arii diversæ substantiæ blas-

[k] Lib. 1. contr. Jovin. [l] Lib. de Fide, n. 28.

[m] Lib. de Script. Eccles. in Luca. [n] C. Pli. An. Dom. 532

phemias? Si autem nullus ex antiquis recordatus est ea, unde nunc potestis ostendere quia illius sunt, nescio:" "If neither St. Cyril nor St. Athanasius, who were so diligent to inquire, so skilful in knowing, so concerned that these books should be the works of St. Dionysius, did yet know nothing of them, and if amongst the ancients they were not known,—for you moderns now to tell of antiquity, what by them who then lived was not told, is a folly that can never gain credit amongst reasonable persons. Let every fruit proceed from its own root. We cannot say, because a thing is not in Scripture, therefore it is not at all; but therefore it is nothing of Divine religion. So it is also in things relating to the ancient church; from thence only can we derive any notice of their doctrine and of their practices. For if an article prevailed in St. Austin's time, it was no argument that therefore it was believed in St. Cyprian's time: but a negative argument from any age ought to prevail in reference to that age; and if there be in it nothing of antiquity, no argument of the moderns can prove it to be ancient: and Baronius said well, "Quòd à recentiori auctore de rebus antiquis, sine alicujus vetustioris auctoritate, profertur, contemnitur;" "What the moderns say of the ancients without warranty from themselves, is to be despised."—One thing only I am to add to this out of Vincentius Lirinensis;[o] "Quicquid vero ab antiquo deinceps uno præter omnes, vel contra omnes sanctos novum et inauditum subinduci senserit, id non ad religionem sed ad tentationem potius intelligat pertinere;" "If one of the fathers say a thing, and the others say it not, but speak diversely or contrarily, that pertains not to religion, but to temptation."—I doubt not but he intended it against St. Austin, who spake things in the matter of predestination, and the damnation of infants, and other appendant questions, against the sense of all the fathers that were before him; one, it may be, or scarce one, being excepted. And to the same purpose Tertullian[p] argued against Marcion, concerning a pretended gospel of St. Paul; "Et si sub ipsius Pauli nomine evangelium Marcion intulisset, non sufficeret ad fidem singularitas instrumenti destituta patrocinio antecessorum:" "If you cannot bring testimony from the fathers and ancient records, you must not receive it; one alone is not to be trusted." He that affirms must prove; to him that denies, a negative argument is sufficient. For to a man's belief a positive cause is required, but for his not believing, it is sufficient that he hath no cause. Thus St. Jerome[q] argues well against the rebaptizing of converted heretics: "Ad eos venio hæreticos, qui evangelia laniaverunt—quorum plurimi vivente adhuc Johanne apostolo eruperunt, et tamen nullum eorum legimus rebaptizatum:" "Of all the heretics which appeared in St. John's time, we never read of any that was rebaptized:" and therefore it is to be presumed they were not; for a thing so considerable and so notorious, in all reason would have given some signs, and left some indications of it. But then it is to be observed,

57. (10.) "A negative argument must not be *μέσον μερικὸν*, a partial or a broken piece of a medium:"—You cannot argue rightly thus, "St. John in his gospel speaks nothing of the sacrament of the Lord's supper, therefore that sacrament is no part of the doctrine of salvation." For three evangelists had done it before him, and therefore he did not; and a negative argument only from one gospel cannot conclude rightly concerning any article of the religion. And it is very evident in matters of fact also. For if it be argued thus, "We do not find in Scripture, nor in the days of the apostles, any infant baptized; therefore we conclude there was none;" this is *μέσον μερικόν*. It is true, if there were no way else to find it but the practice of the apostles, the negative argument had been very good; but we derive it from the force of Christ's words of institution, and of his discourse with Nicodemus, and the analogy of circumcision, and the practice of the Jews in baptizing their children, and many proprieties of Scripture, and the effect of the sacrament, and the necessities of regeneration. St. Irenæus's[r] negative argument was good; "Quod neque prophetæ prædicaverunt, neque Dominus docuit, neque apostoli tradiderunt," &c. "If neither Moses nor the prophets, Christ nor his apostles, have taught it, it is not to be received as any part of christian doctrine."—For this negative is integral and perfect. But St. Cyril[s] of Alexandria disputed also well with his negative argument from antiquity, "Etenim nomen hoc *θεοτόκος* nullus unquam ecclesiasticorum doctorum repudiavit: qui autem illo subinde usi sunt, et multi reperiuntur, et maxime celebres:" "Many famous doctors used this word, calling the Virgin Mary the parent of God; and none ever refused it; therefore it may safely be used." If the negative argument from Scripture or antiquity respectively can run thus, "It was not condemned in Scripture or antiquity, but it was used, therefore it is good;" the argument concludes rightly in relation to Scripture, and probably in relation to antiquity. But if it be said only, "The Scripture condemns it not," but neither does it approve it, then it cannot be concluded to be laudable, but only not criminal. But if it be said of antiquity, "It was neither condemned nor used," it cannot be inferred from them, that it is either laudable or innocent. The reason is, because Scripture is the measure of lawful and unlawful, but the writings of the doctors are not; and these may be deficient, though that be full.

58. (11.) "In the mysteries of religion, and in things concerning God, a negative argument from Scripture ought to prevail both upon our faith and upon our inquiries, upon our belief and upon our modesty:"—For as St. Austin said well, "De Deo etiam vera loqui periculosissimum," "It is hard to talk many things of God:" we had need have good warranty for what we say; and therefore it is very fit we speak Scripture in the discourses of God. And thus St. Austin[t] argued; "Ideo nusquam scriptum est quod Deus Pater major sit Spiritu Sancto, vel

[o] Commonit. cap. 5. [p] Lib. 4. cap. 2. contr. Marcion.
[q] Dial. adv. Luciferianos. [r] Lib. 1. cap. 1.
[s] Primâ parte Concil. Ephes. cap. 25.
[t] Lib. 2. de Trinit. cap. 6.

Spiritus Sanctus sit minor Deo Patre: quia non sic assumpta est creatura, in quâ appareret Spiritus Sanctus, sicut assumptus est Filius hominis." Since it is no where written that the Father is greater than the Spirit, we ought not to say he is. But if it be objected, that neither does the Scripture say, that he is not greater, it does not say that they are equal; and therefore it will be hard to use a negative argument in such cases; and how shall we know which part of the negative to follow:—I answer, It is very true according to the sixth proposition, numb. 52.; but then, in this case, we must inquire for other words of Scripture by which we may be directed, and proceed accordingly, or inquire into the analogy of faith, or the measures of piety: but if there be nothing to determine to any side of the negative, we must say nothing: and if there be, yet we must say but little, because the notice is not great.

59. (12.) Lastly, "In matters of envy and burden, a negative argument, even in matter of fact, ought to prevail, unless the contrary be proved by some other competent topic:"—That the clergy ought not to marry is no where affirmed in Scripture, and therefore it is permitted; and because it is agreeable to nature and the laws of all republics, their marriage is also holy and pleasing to God. A burden must be directly imposed; a man must not be frighted or scared into it. When our blessed Saviour reproved the Pharisees for imposing heavy burdens, such which God imposed not, he taught us the value of this argument; "Ubi scriptum est?" "Show us where it is written," that this is displeasing to God: if it be no where forbidden, "præsumitur pro libertate," all men are as free as they were born. How this can be altered by the laws of men, will be afterwards considered. In the mean time, God hath left us under no more restraints than are described in Scripture. This argument St. Chrysostom urges against the necessity of corporal afflictions to a contrite weeping penitent. "Lacrimas Petri lego, satisfactionem non lego:" "I read that St. Peter wept, I do not read that he imposed penances on himself."—The argument were good from this place, if the case be not special, or if it be not altered by some other consideration. This is also to be extended to such negative arguments as are taken from matter of fact in accusations, and criminal proceedings: not that it can of itself be great enough to prevail, but that the case is so favourable, that every little thing ought to be strong enough. Thus St. Athanasius[u] defended his decessor Dionysius; "Et prius eorum auctorem Dionysium per hoc voluit esse purgatum, atque ab Arianorum crimine alienum, quod ipse non, sicut Arius, cum viveret, de impietate fuerat accusatus, aut de episcopatu dejectus, neque velut hæresim defendens, de ecclesiâ, sicut ille, decesserit, sed in ejus permanserit unitate:" "Dionysius was not accused while he was alive, he was not thrown from his bishopric, he did not depart from the church, but remained in her communion; and therefore he was no Arian." But arguments of this nature, when the medium is so limited, and the instance so particular,—have their force only by accident. For this and the like negatives are good arguments when they are the best light in the question, that is, when nothing greater can be said against them, or when men are easy and willing to be persuaded; as in the questions of burden and trouble all men ought.

[u] Apud Facundum, lib. 10. cap. 5.

Question III.

60. Whether there may be any new articles of faith: or that the creed of the church may so increase, that what is sufficient to salvation in one age, cannot serve in another.

61. If this question were to be determined by witnesses, it were very easy to produce many worthy ones. Theodorus the bishop of Rome, in his synodical epistle to Paul the patriarch of Constantinople, thus concludes against the Monothelites; "Sufficit nobis fides quam sancti apostoli prædicaverunt, concilia firmaverunt, et patres consignaverunt;" "This faith which the apostles preached, which the councils have confirmed, which the fathers have consigned, that faith is sufficient for us:"—therefore nothing new can be superinduced. After the apostles had done preaching, the faith was full and entire. It was so long before they died; but, after their death the instruments were sealed and ratified, and there could be nothing put to them, but our obedience and consent. And therefore Victor bishop of Carthage, in his synodical epistle to Theodorus, gives caution against any thing that is new. "Vestrum est itaque, frater sanctissime, canonica discretione solita contrariis catholicæ fidei obviare, nec permittere noviter dici, quod patrum venerabilium auctoritas omnino non censuit:"—"You must not permit any thing to be newly said, which the authority of the venerable fathers did not think fit."—If therefore the fathers did not say it was necessary to believe any other articles than what they put into their confessions of faith; he that says otherwise now, is not to be suffered. Excellent therefore is the council of St. Cyprian:[x] "As it happens when the pipes of an aqueduct are broken or cut off, the water cannot run, but mend them and restore the water to its course, and the whole city shall be refreshed from the fountain's head:" "Quod et nunc facere oportet Dei sacerdotes, præcepta divina servantes, ut si in aliquo nutaverit et vacillaverit veritas, ad originem Dominicam et evangelicam et apostolicam traditionem revertamur, et inde surgat actus nostri ratio, unde et ordo et origo surrexit;" "So must God's priests do, keeping the Divine commandments: if the truth be weakened or fail in any thing, let a recourse be made to the original, to the fountain of Christ and his apostles, to what hath been delivered in the gospel; that thither our faith may return from whence it did arise."

62. From the simplicity, truth, and ingenuity of this discourse, it will plainly follow, that what was the faith at first, the same it is now and no other: "Sicut erat in principio," &c. "As it was in the beginning, so it is now, and so it shall be ever." For to what purpose can it be advised, that in all questions of faith or new springs of error, we should

[x] Epist. 74. ad Pompeium.

return to the fountains of our Saviour and the first emanations of the apostles, but because no Divine truth is warrantable but what they taught, no necessity is to be pretended but what they imposed? If it was their faith, it is and must be ours; but ours it ought not to be, if it was not theirs.

63. Now concerning this, there are very material considerations. (1.) Whatsoever the apostles taught we must equally believe, if we equally know it: but yet all that they taught, is not equally necessary to be taught; but only so much as upon the knowledge of which good life is superstructed, and our hopes of heaven depend. Whatsoever is in the Scripture is alike true; but whatsoever is there is not alike necessary, nor alike useful, nor alike easy to be understood. But whatsoever, by reading or hearing any other instrument, we come to learn to be the truth of God, that we must believe; because no man disbelieves any such thing, but he disowns God. But here the question is not, what we must believe when we know it to be the word of God, for that is every thing: but how much we are bound to know what must be taught to all christians, how much their memory and their hearts must be charged withal. For the faith of a christian is not made up of every true proposition; but of those things which are the foundation of our obedience to God in Jesus Christ, and the endearment of our duty, and the stabiliment of our hope. Faith, hope, and charity, are the "fundamentum, paries, et tectum," "the foundation, the walls, and the roof," of our building: now this foundation is that necessary belief, without which nothing could subsist in our religion.

64. (2.) This foundation was by Christ and his apostles laid sure, but at first it was made but of a just latitude and evenness with the intended building. It was a little enlarged and paraphrased by the apostles and apostolical men in their days; the faith of christians was the most easy and plain, the most simple and wise, thing in the world; it was wholly an art of living well, and believing in God through Jesus Christ. And what Seneca said of the wisdom of the old men in infant Rome, is very true of the aborigines in christianity, in the first spring of our religion; "Antiqua sapientia nihil aliud, quam facienda et vitanda, præcepit: et tum longe meliores erant viri: postquam docti prodierunt, desunt boni;" "The ancient and primitive wisdom did only command virtue, and prohibit vice; and then men lived good lives: but when they became more learned, they became less virtuous:"[y] "Simplex erat ex simplici causâ valetudo: multos morbos multa fercula fecerunt:" "The old world ate a simple and a natural diet, and they had a simple and a natural religion; but when variety of dishes were set upon the table, variety of diseases entered together with them." Now in what instance the simplicity of a christian was at first exercised we find in St. Irenæus:[z] "Melius itaque est nihil omnino scientem quempiam, ne quidem unam causam cujuslibet eorum quæ facta sunt, cur factum, et credere Deo, et perseverare in ejus dilectione quæ hominem vivificat, nec aliud inquirere ad scientiam nisi Jesum Christum Filium Dei qui pro nobis crucifixus est, quam per quæstionem subtilitates et multiloquium in impietatem cadere:" "It is therefore better for a man to know absolutely nothing of the causes of things, why any thing was done, (and to believe in God, and to persevere in his love, that makes a man to live, and to inquire after no knowledge, but to know Jesus Christ the Son of God, who was crucified for us,) than by subtle questions and multitude of words to fall into impiety."

65. (3.) If we observe the creeds or symbols of belief that are in the New Testament, we shall find them very short. "Lord, I believe that thou art the Son of God, who was to come into the world;"[a] that was Martha's creed. "Thou art Christ, the Son of the living God;"[b] that was Peter's creed. "We know and believe that thou art Christ, the Son of the living God;"[c] that was the creed of all the apostles. "This is life eternal, that they know thee the only true God; and whom thou hast sent, Jesus Christ;"[d] that was the creed which our blessed Lord himself propounded. And again; "I am the resurrection and the life: he that believeth in me, yea though he were dead, yet shall he live, and he that liveth and believeth in me, shall not die for ever:"[e] that was the catechism that Christ made for Martha, and questioned her upon the article, "Believest thou this?"—and this belief was the end of the gospel, and in sufficient perfect order to eternal life. For so St. John:[f] "These things are written, that ye might believe that Jesus is the Christ, the Son of God, and that believing ye might have life through his name." "For this is the word of faith which we preach, namely, if you with the mouth confess Jesus to be the Lord, and believe in your heart that God raised him from the dead, you shall be saved;"[g] that is the christian's creed. "For I have resolved to know nothing amongst you, but Jesus Christ, and him crucified; that in us ye may learn not to be wise above that which is written, that ye may not be puffed up one for another, one against another."[h] That was St. Paul's creed, and that which he recommends to the church of Rome, to prevent factions and pride and schism. The same course he takes with the Corinthian[i] church; "I make known unto you the gospel, which I preached unto you, which ye have received, in which ye stand, and by which ye are saved, if ye hold what I delivered to you," &c. Well: what is that gospel by which they should be saved? It was but this, "that Christ died for our sins, that he was buried, that he rose again the third day," &c. So that the sum is this, The gentile's creed, or the creed in the natural law, is that which St. Paul sets down in the epistle to the Hebrews, "Deum esse, et esse remuneratorem," that "God is, and that God is a rewarder." Add to this the christian creed, that Jesus is the Lord,—that he is the Christ of God,—that he died for our sins,—that he rose again from the dead;—and there is no question but he believes this heartily, and

[y] Senec. ep. 95. [z] Lib. 2. cap. 45. [a] John xi. 27.
[b] Matt. xvi. 16. [c] John vi. 69. [d] John xvii. 3.
[e] John xi. 25, 26. [f] John xx. 31. [g] Rom. x. 8, 9.
[h] 1 Cor. ii. 2. [i] 1 Cor. xv. 1.

confesses it constantly, and lives accordingly, shall be saved: we cannot be deceived; it is so plainly, so certainly, affirmed in Scripture, that there is no place left for hesitation. "For this is his precept, that we believe in the name of his Son Jesus Christ, and that we love one another:" so St. John.[k] This is his precept. True, and so there are many more: but why is this so signally remarked, but because this is the fundamental precept, that upon which all the rest are superstructed? that is the foundation of faith and manners, and he that keeps this commandment, shall never perish. "For other foundation can no man lay than this, which is Jesus Christ. But if any man should build upon this foundation, gold, silver, precious stones, wood, hay, stubble, every man's work shall be made manifest; for that day shall declare it, because it is revealed in fire; and every one's work the fire shall prove what it is. If any man's work which he hath superstructed shall remain, he shall receive a reward. But if any man's work shall be burned, he shall receive loss, yet himself shall be saved, but so as by fire."[l] Nothing more plain, than that the believing in Jesus Christ is that fundamental article upon which every other proposition is but a superstructure, but itself alone with good life is sufficient to salvation. All other things are advantage or disadvantage, according as they happen; but salvation depends not upon them. "For every spirit that confesseth Jesus Christ to have come in the flesh, is of God, and whosoever shall confess that Jesus is the Son of God, God abideth in him, and he in God:"[m] and, "Every one that believeth that Jesus is Christ, is born of God:" and, "Who is he that overcometh the world, but he that believeth that Jesus is the Son of God?"[n]

66. In proportion to this "measure of faith," the apostles preached "the doctrine of faith." St. Peter's first sermon[o] was, that "Jesus is Christ, that he was crucified, and rose again from the dead:" and they that believed this were presently baptized. His second sermon was the same; and then also he baptized proselytes into that confession. And when the eunuch had confessed that Jesus Christ is the Son of God, Philip presently baptized him. And it is observable, that when the eunuch had desired baptism, St. Philip[p] told him, "he might, if he did believe:" and was, when he made that confession; intimating, that this is the christian faith, which is the foundation of all his hope, and the condition of his baptism, and therefore sufficient for his salvation. For indeed that was the sum of all that Philip preached; for it is said of him, that "he preached things concerning the kingdom of God, and the name of Jesus Christ." And this was the sum of all that St. Paul preached in the synagogues and assemblies of the people; this he disputed for, this he proved laboriously,—that Jesus is Christ, that he is the Son of God, that he did, that he ought to, suffer, and rise again the third day; and this was all that new doctrine for which the Athenians and other Greeks[q] wondered at him, and he seemed to them to be a setter-forth of strange gods, "because he preached Jesus and the resurrection." This was it into which the jailer and all his house were baptized; this is it which was propounded to him as the only and sufficient means of salvation; "Believe in the Lord Jesus, and thou shalt be saved and all thine house."[r] This thing was illustrated sometimes with other glorious things still promoting the faith and honour of Jesus, as that he ascended into heaven, and shall be the Judge of all the world. But this was the whole faith; Τὰ περὶ τῆς βασιλείας τοῦ Θεοῦ καὶ περὶ ὀνόματος τοῦ Ἰησοῦ Χριστοῦ, "The things which concerned the kingdom of God, and the name of Jesus Christ," was the large circumference of the christian faith. That is, such articles which represent God to be our Lord, and Jesus Christ to be his Son the Saviour of the world;—that he died for us, and rose again, and was glorified, and reigns over all the world, and shall be our Judge, and in the resurrection shall give us according to our works;—that in his name only we shall be saved, that is, by faith and obedience in him, by the mercies of God revealed to the world in Jesus Christ: this is all which the Scripture calls necessary: this is that faith alone, into which all the church was baptized: which faith, when it was made alive by charity, was and is the faith by which "the just shall live."

67. This excellent summary of faith we find also, but with a very little paraphrase, propounded as sufficient by St. Polycarp, in that excellent epistle of his to the Philippians, which St. Irenæus so much commends: "Fidei vestræ firmitas à principio usque nunc permanet, et sanctificatur in Domino Jesu Christo:"[s] "This is the firmness of your faith from the beginning, which remains unto this day, and is sanctified in Jesus Christ." This St. Ignatius calls "plenam de Christo cognitionem," "a full knowledge concerning Christ:"—then he reckons the generation of the Son from God the Father before all worlds, his being born of the Virgin Mary, his holy life, his working miracles, his preaching one God even the Father, his passion and crucifixion, his death and resurrection, his ascension and sitting at the right hand of God; and that, in the end of the world, he shall rise again to judge the quick and the dead, and to give to every one according to their works. When he hath recited this, he adds, "Hæc qui plane cognorit et crediderit, beatus est;" "he that plainly knows these things, and believes them, is blessed."—And in another epistle,[t] after the recitation of such another creed, he adds, "He that believes these things, is blessed that ever he was born." Justin Martyr[u] affirms expressly, that if any man should even then live according to the law of Moses, (I suppose he means the law of the ten commandments,) so that he believe in Jesus Christ crucified, and acknowledge him for the Christ of God, to whom is given the judgment of all the world, he also shall possess the eternal kingdom.

[k] 1 John iii. 23.
[l] 1 Cor. iii. 11—15.
[m] 1 John iv. 2.
[n] 1 John v. 1. 5.
[o] Acts ii. 24. iii. 15.
[p] Acts viii. 12, 37, 38.
[q] Acts ix. 20. xvii. 2.
[r] Acts xvi. 31.
[s] Ad Magnes.
[t] Ad Philip.
[u] Coll. cum Tryph.

68. The same creed, in more words, but no more articles, is recited by St. Irenæus[x] in his second and third chapters of his first book, saying that "the church, throughout all the world, being planted by the apostles to the ends of the earth, and by their disciples, have received this faith. He, of all the prelates that is most powerful in speech, cannot say any thing else; for no man is above his master; and he that is weak in speaking, cannot say less. For since the faith is one and the same, he that speaks much cannot say more, and he that speaks little must not say less."—And afterwards speaking of some barbarous nations that had not the Scriptures, yet having this faith, which he there shortly recites, beginning with belief in God the Father, the Maker of the world, and in Jesus Christ, repeating the usual articles of his being born of the Virgin Mary, his being the Son of God, his reconciling God and man, his suffering under Pontius Pilate, his rising again, and being received into glory, and his last judgment; he adds, "Hanc fidem qui sine literis crediderunt, quantum ad sermonem nostrum barbari sunt; quantum autem ad sententiam et consuetudinem et conversationem propter fidem, sapientissimi sunt et placent Deo, conversantes in omni justitiâ, castitate et sapientiâ;" "They who believe this faith, are most wise in their sentence and custom, and conversation through faith; and they please God, living in all justice, chastity, and wisdom."

69. Here were almost two ages spent by this time, in which the most pestilent heresies, that ever did trouble the church, did arise; in which some of the questions were talked of and disputed, and which afterwards, by the zeal of some that overvalued their own forms of speaking, passed into a faction; and yet in all this time, and during all that necessity, there was no more added to the christian creed, no more articles for the condemnation of any new heresy: whatsoever was against this, was against the faith; but any thing else they reproved, if it were false, but did not put any more into their creed, and indeed they ought not. "Regula quidem fidei una omnino est, sola immobilis et irreformabilis, Credendi scilicet in unum Deum," &c. saith Tertullian;[y] "The rule of faith is altogether one, and immovable, and unalterable. This law of faith remaining, other things may be enlarged according as the grace of God multiplies upon us."—But for the faith itself, here consigned and summed up, the epistle of Celestine to Nestorius is very affirmative and clear, Ἡ πίστις παραδοθεῖσα παρὰ τῶν ἀποστόλων, οὔτε προσθήκην, οὔτε μειωσιν ἀπαιτεῖ, 'The faith or creed delivered by the apostles, requires neither addition nor defalcation:" "Neque enim ulla extitit hæresis, quæ non hoc symbolo clamnari potuit;" "There was never any heresy but this creed was sufficient for its condemnation," said the catechism of the archbishop of Triers.

70. This faith, passing into all the world, was preserved with great sacredness and great simplicity, no church varying from it at all: some indeed put some great things into it, which were appendages to the former; but the fullest and the most perfect were the creeds of Jerusalem and Rome, that is, the same which the Greek and Latin church use at this day. The first and the most simple forms were sufficient; but these fuller forms, being compiled by the apostles themselves, or apostolical men, and that from the words of Scripture, made no great alteration, the first were not too little, and these were not too much. The first was the thing itself, which was of a declared sufficiency; but when the apostles were to frame an instrument of confession τύπον διδαχῆς, "a form of doctrine," by way of art and method, they put in all that they, directed by the Holy Spirit of God, knew to contain the whole faith of a christian. Now of this form, so described, so delivered, so received, the fathers of the church affirm that it is entire and sufficient, and nothing is to be added to it. "Ergo et cunctis credentibus, quæ continentur in præfato symbolo, salus animarum et vita perpetua bonis actibus præparatur," said the author of the epistle to St. James attributed to St. Clement; "To all, that believe those things contained in the foresaid symbol or creed, and do good deeds, salvation of their souls, and eternal life, is prepared."

71. And therefore this summary of faith was called τύπος διδακῆς, ὁ κανὼν, ὑποτύπωσις ὑγιαινόντων λόγων, ἀναλογία πίστεως, γαλακτώδης εἰσαγωγὴ, παρακαταθήκη, στοιχεῖα τῆς ἀρχῆς τῶν λογίων τοῦ Θεοῦ, παραδοθεῖσα πίστις, "regula fidei,—depositum,—breve evangelium,—the form or exemplar of doctrine,—the canon,—a description of sound words,—the proportion or measure of faith,—the milky way, or the introduction of novices,—the elements of the beginning of the oracles of God,—the repository of faith,—the faith that was delivered to the saints,—the rule of faith, that which was intrusted to the church,—a short gospel." These and divers other appellatives of the creed were used by the ancient doctors, most of them taken out of Scripture. For what the Scriptures did affirm of the whole faith, that the fathers did apply to this creed, as believing it to contain all that was necessary. And as a grain of mustard-seed in little contains in it many branches, so also this faith, in a few words, involves all the knowledge—the necessary knowledge of the Old and New Testament, saith St. Cyril;[z] and therefore he calls this creed, "traditionem sanctæ et apostolicæ fidei," "the tradition of the holy and apostolic faith." "Cordis signaculum, et nostræ militiæ sacramentum," so St. Ambrose[a] calls it, "the seal of our heart, and the sacrament of our warfare." St. Jerome[b] yet more fully: "The symbol of our faith and of our hope; which, being delivered by the apostles, it is not written with paper and ink, but in the fleshly tables of our hearts, after the confession of the trinity and unity of the church: "Omne christiani dogmatis sacramentum carnis resurrectione concluditur;" "The whole sacrament of the christian doctrine is concluded with the re-

[x] Lib. 3. cap. 4.
[y] De Veland. Virgin. cap. 1.
[z] Catech. 5.
[a] Lib. 3. de Veland. Virgin.
[b] Epist. ad Pammach.

surrection of the flesh" to eternal life.—"Norma futuræ prædicationis:" so Ruffinus[c] calls it: "the rule of future preachings" appointed by the apostles; "et hanc credentibus esse regulam dandam statuunt," "they appoint this to be given as a rule to all believers:"—and again, This creed was "the token by which he should be known, who did preach Christ truly according to the rules of the apostles;" the indication of their faith and unanimity.—"Comprehensio fidei nostra atque perfectio," so St. Austin[d] calls it. "Virtus est sacramenti, illuminatio animæ, plenitudo credentium:" "The illumination of the soul, the fulness of believers, the comprehension and the perfection of our faith. By this the knot of infidelity is untied, by this the gate of life is opened, by this the glory of our confession is manifested." It is "tessera, signaculum, quo inter fideles perfidosque secernitur," said Maximus Taurinensis.[e]—"Basis quædam et fundamentum immotum et inconcussum per universum orbem jactum:" so St. Cyril of Alexandria: "It is a badge and cognizance to distinguish the faithful from the perfidious; an immovable foundation laid for all the world:"—a divine or "celestial armour, that all the opinions of heretics may be cut off with this sword alone;" so St. Leo, bishop of Rome.—I could add very many more to this purpose; who please to require more, may see enough in Lucifer Calaritanus,[f] Paulinus bishop of Nold,[g] St. Austin's[h] book "de Symbolo ad Catechumenos," in Ruffinus's excellent exposition of the creed, Eucherius bishop of Lyons, in his first homily upon the creed, Petrus Chrysologus,[i] Isidor of Seville,[k] and in his Offices Ecclesiastical,[l] Rabanus Maurus,[m] the oration of Bernard Zane in the first session of the council of Lateran, in the discourse of the Greeks at the council of Florence,[n] Cassianus "de Incarnatione Domini," Eusebius Gallicanus in his homilies on the creed, published by Gaigneus chancellor of Paris, in Venantius Fortunatus's explication of it; and he may, if he please, add the two homilies which St. Chrysostom made upon the creed, and the great catechetical oration of St. Gregory Nyssen.

72. Now to what purpose is all this? The apostles compiled this form of words, all churches received them,—all catechumens were baptized into this faith,—in the Roman church they recited it publicly before their immersion, to this salvation was promised;—this was the sacrament of the christian faith, the fulness of believers, the characteristic of christians, the sign of the orthodox, the sword of all heresies and their sufficient reproof, the unity of belief, sufficient, full, immovable, unalterable; and it is that alone, in which all the churches of the world do, at this day, agree.

73. It is true, that the church of God did explicate two of the articles of this creed, that of the second and that of the third person of the Holy Trinity; the one at Nice, the other at Constantinople; one against Arius, the other against Macedonius; they did explicate, I say, but they added no new matter, but what they supposed contained in the apostolical creed. And, indeed, the thing was very well done, if it had not been made an ill example; they had reason for what they did, and were so near the ages apostolical that the explication was more likely to be agreeable to the sermons apostolical: but afterwards the case was altered, and that example was made use of to explicate the same creed, till, by explicating the old, they have inserted new articles.

74. But all the while it is consented to on all hands, that this only faith is sufficient. What can certainly follow from these infallible articles, is as certainly true as the articles themselves,—but yet not so to be imposed, because it is not certain that this or that explication is right, that this consequent is well deduced; or if it be certain to you, it is not so to me; and besides it is more an instrument of schism than of peace; it can divide more than it can instruct, and it is plainly a recession from the simplicity of the christian faith, by which simplicity both the learned and the ignorant are the more safe. "Turbam non intelligendi vivacitas, sed credendi simplicitas tutissimam facit:"[o] and when once we come to have the pure streams pass through the limbecs of human wit, where interest, and fancy, and error, and ignorance, and passion, are intermingled, nothing can be so certain, though some things may be as true; and therefore here the church does rest, here she finds peace; her faith is simple, easy, and intelligible, free from temptation, and free from intrigues; it is warranted by Scripture, composed and delivered by the apostles, entertained by all the world: in these they do agree, but in nothing else but this, and in their fountain, the plain words of Scripture.

75. For all the rest, it is abundant to all excellent purposes. It can instruct the wise, and furnish the guides of souls with treasures of knowledge, and employ the tongues and pens of the learned: it can cause us to wonder at the immensity of the Divine wisdom, and the abyss of revelation: it is an excellent opportunity for the exercise of mutual charity in instructing and in forbearing one another, and of humility and patience, and prayer to God to help our infirmities, and to enlighten us more and more in the knowledge of God. It is the greater field of faith, where she can enlarge herself; but this is the house of faith, where she dwells for ever in this world.

76. So that, for any other thing of the religion, it is to be believed so far as it does appear to be the word of God; and, by accidents and circumstances, becomes of the family or retinue of faith: but it is not necessary to be believed for itself; unless it be for something else, it is not necessary at all. A man may be saved without knowing any thing else, without hearing of any thing, without inquiring after any thing, without believing any thing else, provided

[c] Expos. Symb. cap. 2. [d] Serm. 115. de Temp. et serm. 131.
[e] De Tradit. Symb. [f] Lib. 2. ad Constantium.
[g] Ep. 1. ad Afrum. [h] Lib. 1. cap. 1.
[i] In his sixty-second homily. [k] Lib. 6. Originum, cap. 9.
[l] Lib. 1. cap. 26. de Dominicâ Palmarum.
[m] Lib. 2. de Instit. Clericorum, cap. 56. [n] Sess. 10.
[o] August. contra Ep. Fundam. cap. 4.

that, in this faith, he live a good life. But because sometimes a man is, by the interests of a good life, required to know more, to inquire after more, and to learn more,—therefore, upon the stock of obedience, more may be necessary; but not upon the account of faith. So that if some men do not read the Scriptures, and study them, and search into the hidden things of God, they sin against justice or charity,—but not against faith, if they retain all the articles of the apostle's creed: and a man may be extremely to blame, if he disbelieve many other things; but it is because upon some evil account he disbelieves it, and so is guilty of that sin, which is his evil principle,—as of pride, ambition, lust, covetousness, idleness, fear or flattery; but a man is not in any such case guilty of heresy. For heresy being directly opposed to faith, and faith being completed in the articles of the christian creed, it cannot be heresy, unless it be a contradicting of one of those articles in the words or in the sense, in the letter, or in the plain, visible, certain, and notorious explication of it. In the apostolical creed, all the christian world is competently instructed: in these things there is no dispute; and if they be simply believed, as they are plainly delivered, it is the better. But in every thing else, every man, according to his calling and abilities, is to grow as much as he can in knowledge; that is, in edifying and practical knowledge: but in all things of speculation, he that believes what he sees cause for, as well and as wisely, as heartily and as honestly, as he can, may be deceived, but cannot be a heretic, nor hazard his salvation. "Salus ecclesiæ non vertitur in istis. In simplicitate fides est, in fide justitia: nec Deus nos ad beatam vitam per difficiles quæstiones vocat: in expedito et facili nobis est æternitas;" said St. Hilary:[p] "Faith is in simplicity, and righteousness in faith; neither does God call us to eternal life by hard questions: eternity stands ready and easily prepared."

77. For I consider, if any thing else were necessary to be believed unto salvation, this symbol could absolutely be of no use: but if any thing be added to it and pretended also to be necessary,—it cannot be entertained, unless they that add it and impose it, be infallible in their judgment, and competent in their authority: they must have authority equal to that of Christ, and wisdom equal to that of the apostles. For the apostles, in the summary of faith, declared all that was, at that time, necessary; and if any man else makes a new necessity, he must claim Christ's power, for he only is our lawgiver: and if any declares a new necessity, that is not sufficient, unless he can also make it so,—for declaring it supposes it to be so already; and if it was so at first, the apostles were to blame not to tell us of it; and if it was not so at first, who made it so afterward?

78. But it is infinitely necessary, that, for the matter of faith, necessary and sufficient faith, we rest here and go no further. For if there can be any new necessities, then they may for ever increase, and the faith of a christian shall be like the moon, and no man be sure that his faith shall not be reproved; and there shall be innumerable questions about the authority of him that is to add, of his skill, of his proceeding, of the particular article, of our own duty in inquiring, of our diligence, of our capacity, of the degrees of our care, of the competency of instruments, of choosing our side, of judging of questions: and he that cannot inquire diligently, and he that cannot judge wisely, and he that cannot discern spirits, and he that fears, and he that fears not,—shall all be in danger, and doubt, and scruple; and there shall be neither peace of minds nor churches, as we see at this day in the sad divisions of christendom; and every man almost damns all but his own sect, and no man can tell who is in the right, men dispute well on both sides; and just and good and wise men are opposed to one another; and every man seems confident, but few men have reason: and there is no rest; and there can be none, but in this simplicity of belief which the apostles recommended to all the world, and which all the world does still keep in despite of all their superinduced opinions and factions; for they all retain this creed, and they all believe it to be the summary of faith.

79. But the church of Rome pretends to a power of appointing new articles of faith;[q] and for denying this, Pope Leo X. condemned Luther in his bull added to the last council in Lateran. For "ad solam auctoritatem summi pontificis pertinet nova editio symboli," "a new edition of the creed belongs to the sole authority of the pope of Rome;" so Aquinas:—and Almain most expressly, "The popes of Rome, by defining many things which before lay hid," "symbolum fidei augere consuevisse," "are wont to enlarge the creed."—For "doctrina fidei admittit additionem in essentialibus," saith Salmeron; "the doctrine of faith admits addition even in essential things."—And in consequence, to those expressions they did add the article of the procession of the Holy Ghost from the Son, in a synod at Chantilly in France; and twelve articles to the creed in the council of Trent, with the preface and postscript of the Athanasian creed, damning all that do not equally believe the creed of Trent as the creed of the apostles.

80. What effect and impress the declaration of any article by the church hath, or is to have, upon the conscience, shall be discoursed under the title of ecclesiastical laws; but that which is of present inquiry, is,—"Whether any thing can be of Divine faith in one age that was not so in the age of the apostles;"—and concerning this it is that I say, that it is, from the premises, evident that nothing can make any thing to be of Divine faith but our blessed Lord himself,—who is therefore called "the Author and Finisher of our faith;" he began it, and he made an end. The apostles themselves could not do it;

[p] Lib. 2. de Trin. in Princ.

[q] 2. 2æ. q. 1. a. 10. August. Tri. de Ancona, q. 59. art. 1. Novum symbolum condere solum ad papam spectat, quia est caput fidei christianæ, cujus auctoritate omnia, quæ ad fidem spectant, firmantur et roborantur. Idem. art. 2. Sicut potest novum symbolum condere, ità potest novos articulos supra alios multiplicare. Tom. 13. part. 3. disp. 6. sect. Est ergo.

—they were only stewards and dispensers of the mysteries of God; they did rightly divide the word of life, separating the necessary from that which was not so: so that their office in this particular was only to declare what was necessary and what was not; no man, and no society of men, could do this but themselves, for none but they could tell what value was to be set upon any proposition: they were to lay the foundation, and they did so; and they built wisely upon it; but when they commanded that we should keep the foundation, they only could tell us which was it, and they did so by their sermons, preaching the same doctrine to the simple and the crafty, and by immuring the necessary doctrine in a form of words, and consigning it to all the churches where they preached the gospel.

81. For we see that all the world is not able to tell us how much is necessary, and how much is not, if they once go beside the Apostles' creed: and yet it was infinitely necessary, that at first this should be told, because there were so many false apostles, and every one pretended authority or illumination, and every one brought a new word and a new doctrine; and the apostles did not only foresee, that there would be, but did live to see and feel, the heresies and the false doctrines obtruded upon the church, and did profess it was necessary that such false doctrines should arise: and against all this that they should not provide a universal remedy, is at no hand credible, and yet there was none but the creed; this all the church did make use of, and professed it to be that summary of faith, which was a sufficient declaration of all necessary faith, and a competent reproof of all heresies that should arise.

82. But then that, after all this, any one should obtrude new propositions, not deducible from the articles of the creed, not in the bowels of any article, neither actually expressed nor potentially included, and to impose these under pain of damnation, if this be not κυριεύειν τῆς πίστεως, which St. Paul[r] said he had no power to do, "to have dominion or lordship over the faith," and κατακυριεύειν τῶν κλήρων, "to lord it over God's heritage," which St. Peter[s] forbade any man to do, I confess I do not understand the words, nor yet saw or ever read any man that did. I conclude this with those excellent words of Justinian which are in the code, part of the imperial law by which almost all the world was long governed: Ὀρθὴ καὶ ἀμώμητος πίστις, ἥνπερ κηρύττει ἡ ἁγία τοῦ Θεοῦ καθολικὴ καὶ ἀποστολικὴ ἐκκλησία, κατ' οὐδένα τρόπον καινισμὸν δεξαμένη, "This right and irreprehensible faith (speaking of the apostolical creed, part of which he there recites) which the holy catholic and apostolic church of God does preach, can by no means receive any innovation or change."[t]

83. I conclude therefore this question; in our inquiries of faith, no man's conscience can be pressed with any authority but of Christ enjoining, and the apostles declaring, what is necessary. I add also, that the apostles have declared it in this form of words, which they have often set down in their writings, and which they more largely described in their Symbol of Faith. For since, as Sixtus Senensis[u] says, "omnes orthodoxi patres affirmant symbolum ab ipsis apostolis conditum," that "all the orthodox fathers affirm the creed to be made by the apostles," and they all say this is a sufficient rule of faith for all christians; here we ought to rest our heads and our hearts, and not to intricate our faith by more questions. For as Tertullian[x] said well, "Hæc regula à Christo, ut probabitur, instituta nullas habet apud nos quæstiones nisi quas hæreses inferunt, et quæ hæreticos faciunt;" "Heretics make disputes, and disputes make heretics, but faith makes none."—For if upon the faith of this creed all the church of God went to heaven, all I mean that lived good lives,—I am sure Christ only hath the keys of hell and heaven; and no man can open or shut either, but according to his word and his law: so that to him that will make his way harder by putting more conditions to his salvation, and more articles to his creed, I may use the words of St. Gregory Nazianzen: "Tu quid salute majus quæris? gloriam nempe quæ illic est et splendorem: mihi vero maximum est ut salver, et futura effugiam tormenta. Tu per viam incedis minime tritam et incessu difficilem: ego vero per regiam, et quæ multos salvavit:"—"What dost thou seek greater than salvation?" (meaning by nice inquiries and disputes of articles beyond the simple and plain faith of the Apostles' creed.)[y] "It may be, thou lookest for glory and splendour here. It is enough for me, yea the greatest thing in the world, that I be saved and escape the torments that shall be hereafter. Thou goest a hard and an untrodden path: I go the king's highway, and that in which many have been saved."

RULE XV.

In the Law of Christ there is no Precept, that wholly ministers to the Law of Moses; but for a Time only, and less principally.

1. This rule I received from St. Irenæus; and they are his words as near as I could translate them. "In lege Christi, non est ullum præceptum veteri tantum legi inserviens, nisi ad horam et minus principaliter." For our blessed Saviour descended like rain upon a fleece of wool, and made no violent changes, but retained all the morality that he found amongst his countrymen; he made use of their propositions, spake their proverbs, united their ejaculations into a collect of his own,—for almost every word of the Lord's prayer was taken from the writings of the pious men of their nation; he changed their rites into sacraments; their customs into mysteries; their washings he made our baptism; their paschal supper he converted into the holy eucharist: and still because he would be understood by them, he retained the Mosaic words, when he delivered a christian precept; for he knew his Father would send his Holy Spirit to be an infallible inter-

[r] 2 Cor. i. 24. [s] 1 Pet. v. 3.
[t] Col. lib. 1. de Sum. Trinit. sect. Cum recta.
[u] Lib. 2. Biblioth. 5. [x] Lib. 1. advers. Hæret. cap. 13.
[y] See Liberty of Prophesying, sect. 1.

preter; and when the types of Moses passed into the substance of Christ, then the typical words also would be expounded in the senses of evangelical duties.

2. For indeed it is not reasonable to suppose, that our blessed Saviour,—who came to fulfil the law in his own person, and to abolish it in his disciples, to change the customs of Moses, and to be an eternal Lawgiver in the instances of moral and essential natural rectitudes,—would give a new commandment to confirm an old precept which himself intended to extinguish. No man puts a piece of new cloth to an old garment, nor a new injunction to an abrogated law; that is, no wise master-builder holds up with one hand, what he intends to pull down with both: it must therefore follow, that whatever Christ did preach, and affirm, and exhort, was, although expressed in the words of the law, yet wholly relative to the duty and signification of the gospel. For that which St. Hilary[z] said of all the words of Scripture, is particularly true in the sense now delivered of the sermons of Christ: "Sermo enim divinus secundum intelligentiæ nostræ consuetudinem naturamque se temperat, communibus rerum vocabulis ad significationem doctrinæ suæ et institutionis aptatis. Nobis enim, non sibi, loquitur: atque ideo nostris utitur in loquendo:" "God speaks to us, and not to himself; and therefore he uses words fitting to our understandings;"—by common and usual expressions and such as were understood, he expressed precepts and mysteries which otherwise were not to be understood.

3. Thus when our blessed Saviour delivers the precept of charity and forgiveness, he uses this expression, "When thou bringest thy gift unto the altar, and there rememberest that thou hast any thing against thy brother, leave thy gift at the altar, go and be reconciled to thy brother, and then come and offer thy gift." If Christ had said, "When thou comest to the Lord's supper, and hast any thing against thy brother," &c. he had not been understood: but because we know this is an eternal precept, part of a moral and eternal excellency, a duty of christianity and a portion of Christ's institution, and we know that Christ pulled down the Jewish altars and the sacrifice of beasts by the sacrifice of his eternal priesthood, and we also are sufficiently instructed by what instruments and by what ministries the memory of that is conserved, and the benefits of it conveyed;—therefore we also are sure, that by these words Christ intended to command us to be at peace with our brother and with our enemy, when we come to offer prayers and to celebrate the memorial of his eternal sacrifice.

4. So when our blessed Saviour told the parable of Dives and Lazarus, and intended to represent unto his disciples, that we are to expect salvation by the ordinary ministries of the church, and not to expect it by the way of miracle and extraordinary dispensation;—he was pleased to say, "They have Moses and the prophets, let them hear them." This was all which could be said to them, whose Scriptures were completed in the writings of Moses and the prophets: but when our great Master had by his Holy Spirit and by his apostles and disciples, perfected another instrument of salvation and repository of Divine truths, the propositions is to be enlarged to these. They have Christ and his apostles, they have the gospels and epistles, let them hear them; for if they will not hear and obey them speaking in the Scriptures, neither will they be converted though one arise from the dead, and appear to them in the terrible dresses of affrightment.

5. When Christ whipped the buyers and sellers out of the temple, and urged the words of the prophet, "My Father's house shall be called the house of prayer to all nations; but ye have made it a den of thieves;" although this was spoken to the Jews, and of their temple, yet Christ, who knew this temple was to be destroyed, and not a stone left upon a stone, intended the piety of his commandment should last longer than the dying temple; and therefore it is to be translated wholly to the christian sense. And although he would not have the temple profaned so long as it was standing and used for prayer and Divine service, "ad horam," as St, Irenæus's expression is, even for "an hour," taking care of that because it was a holy place: yet the sacredness and holy usage of the temple were less principally intended; but principally Christ regarded the christian oratories and separate places of devotion; that where God, by public appointment and the laws was to be worshipped, there the affairs of the world should not intrude by the interests of a private and a profane spirit.

RULE XVI.

The Laws of Jesus Christ are to be interpreted to the Sense of a present Obedience according to their Subject-matter.

1. THAT which is true to-day, will be true to-morrow; and that which is in its own nature good or necessary any day, is good or necessary every day: and therefore there is no essential duty of the religion but is to be the work of every day. To confess God's glory, to be his subject, to love God, to be ready to do him service, to live according to nature and to the gospel, to be chaste, to be temperate, to be just, these are the employment of all the periods of a christian's life. For the moral law of the religion is nothing but the moral law of nature; as I have already proved.[p] "Naturaliter lex nostra est lex pietatis, justitiæ, fidei, simplicitatis, caritatis, optimeque instituta," said Cardan:[1] and again; "Christiani Jovem junctum habent cum sole, illiusque diem colunt Dominicum: sol autem significat justitiam et veritatem: christiana autem lex plus continet veritatis, et simpliciores reddit homines."—The christian law is nothing else but a perfect institution of life and understanding; it makes men wise, and it makes them good; it teaches wisdom, and it teaches justice; it makes them wise and

[z] In Psal. cxxvi. [a] Chap. 1. and 2. of this book.

[b] De Astrol. Jud. lib. 2. tit. 54.

simple, that is, prudent and innocent, and there is no time of our life in which we are permitted to be otherwise. Those who, in the primitive church, put off their baptism till the time of their death, knew that baptism was a profession of holiness, and an undertaking to keep the faith, and live according to the commandments of Jesus Christ; and that as soon as ever they were baptized, that is, as soon as ever they had made profession to be Christ's disciples, they were bound to keep all the laws of Christ, and therefore that they deferred their baptism, was so egregious a prevarication of their duty, —that as, in all reason, it might ruin their hopes, so it proclaimed their folly to all the world. For as soon as ever they were convinced in their understanding, they were obliged in their consciences. And although baptism does publish the profession, and is like the forms and solemnities of law; yet a man is bound to live the life of a christian, as soon as ever he believes the doctrine and commandments of christianity; for indeed he is obliged as soon as he can use reason, or hear reason. The first things a man can learn, are some parts of christianity; nor to hurt any one, to do all that he can understand to be good; that is, as soon as ever he begins to live like a rational creature, so soon he begins to live as Christ commanded: and since baptism (as to this relation and intention of it) is nothing else but the publication of our undertaking to do that, which in our very nature, and by the first and universal laws of God to mankind, we are obliged, to refuse to be baptized, or to defer it, is nothing but a refusing or deferring to own our natural obligation, a denying or not accepting the duty of living according to the law of nature; which deferring, as it must needs be the argument of an evil man, and an indication of unwillingness to live worthily,—so it can serve really no prudent ends to which it can fallaciously pretend. For christianity, being in its moral part nothing but the perfection of the natural law, binds no more upon us than God did by the very reason of our nature. By the natural law we are bound to live "in holiness and righteousness all the days of our life," and so we are by the christian law; as appears in the song of Zachary and in very many other places;—and therefore although, when some of our time is elapsed and lost in carelessness and folly, the goodness of God will admit us to second counsels, and the death of Christ and his intercession will make them acceptable; yet christianity obliges us to obedience as soon as the law of nature does, and we must profess to live according to christianity, as soon as we can live by the measures of the natural law, and that is even in the very infancy of our reason; and therefore baptism is not to be deferred longer: it may be sooner, because some little images of choice and reason, which must be conducted by the measures of nature, appear even in infancy; but it must not be deferred longer; there is no excuse for that, because there can be no reason for so doing, unless where there is a necessity, and it can be no otherwise.

2. The effects of this consideration are these. (1.) All the negative precepts of Christ's law are obligatory in all persons, and all periods, and all instances. "Nunquam licuit, nunquam licebit;" "It was and is and ever will be unlawful" to do any action, which God forbids to be done: and therefore to say, "I will be chaste when I am old, I will be temperate when I am sick, I will be just when I am rich, I will be willing to restore when I die," is to measure eternity by time, and to number that which is not. In negatives there is neither number, nor weight, nor measure: and not to kill, not to blaspheme, not to commit adultery, hath no time, and hath no proportion.

3. (2.) This is also true in the positive commandments of Christ, in respect of the inward duty; that is never to be deferred. The charity of alms, the devotion of prayer, piety to our parents, love of God, love of our neighbour, desires to do justice; these are not limited to times and opportunities. The habits of them and the dispositions to action, the readiness and the love, must for ever be within; because these are always possible, and always good, and always necessary, and therefore cannot have accidental determinations from without: being works of the inward man, they depend only upon the grace of God and the will of man; and that never fails, if this does not, and therefore are always possible unless we will not; but they are always necessary, whether we will or no.

4. (3.) The external actions of duty are determinable from without, and by things which are not in our power, and by things which will not happen always and in some instances, by our own will and mere choice. Thus a man is bound actually to restore but in certain circumstances; but to be ready and to love to do it, he is always bound. To say our prayers is limited by time and place, by occasions and emergent necessities, by use and custom, by laws and examples: but to depend upon God, to expect all good from him, to glorify him, to worship him with all our heart, is not limited, but may be done in all the actions of our life, by actual application, or habitual intention, by secret purpose, or by open profession, by obedience and by love, or by the voice and hand. For to "pray continually," which is the precept of our blessed Saviour, is obligatory in the very letter, in proportion to the natural possibilities and measure of a man; that is, in all our actions we must glorify God, which is one of the parts of prayer, and we must endear his blessing, which is the other. But to kneel, or to speak, or actually to think a prayer, being the body of this duty, and determinable by something from without, receives its limit according to the subject-matter; that is, when we are commanded, and when we have need, and when we can, and in the proper season of it.

5. This rule is also otherwise explicated by distinguishing the affirmative precepts of Christ, into universal and particular. Particular precepts are to be acted only in their proper determinations, in special times, and pertinent occasions, because they are always relative to time and place, or person; they have a limited effect, and are but parts of a

good life, and therefore cannot alone work out our salvation, but must give allowance of time and action to others, of the like particular and limited nature and effect.

6. But this is otherwise in the universal and diffusive, or transcendent precepts of the religion, though they be affirmative. He that shall say, that because to love God is an affirmative precept, that it is only obligatory in certain accidents, and times, and cases, and that therefore we are not always bound to love God, by the impiety of his conclusion reproves the folly of his proposition. Neither is it sufficient to say, that we are indeed always bound to the habitual love of God, but not always to the actual; not always to do an act of the love of God. For the love of God does not consist only in the fancy or the passionate part, neither is it to be measured by the issues of any one faculty: and though we are not bound to the exercise of an act of passion, or intuition, or melting affection, that is, we are not always tied to a limited, particular, single effect of one grace, in all times; yet we are bound to do an act of love to God, when we are bound to do any act at all; for all our religion, and all our obedience, and all our conversation, is wholly to be conducted by the love of God: and although to love God be an affirmative commandment, yet because it is a transcendent or universal precept, and includes in it all those precepts, which, by binding at several times, fill up all our time, and every of them being an act of obedience, is consequently an act and instance of our love to God, it follows, that there is no time in which we are not bound to love God; and to exercise acts of this grace does not depend upon times and circumstances.

7. Upon the accounts of this rule it is very opportune, and certainly very useful, to inquire concerning the duty of repentance; for upon this article the whole question of late or death-bed repentance will depend, and consequently the eternal felicity or infelicity of mankind: and therefore, I have reason to reckon this to be the greatest case of conscience in the whole world; and it will appear so both in the event of the discourse, and in the event of things.

Question I.

8. At what time precisely is every sinner bound to repent of his sins, so that if he does not repent at that time, he commits a new sin?

9. To this question of "At what time," the church of Rome answers, "At what time soever." For repentance is as the precept of baptism and prayers. Neither this day nor to-morrow precisely is it necessary to be baptized, but some time or other; and if we pray half an hour hence, it is as much obedience as if we fall upon our knees at the instant of the proclamation. Add to this, that since repentance (besides that it is an affirmative commandment) is also a primitive duty, it is generally agreed upon "neminem in conscientiâ, donec condemnetur, ad pœnam exsolvendam teneri;" "no man is bound to undergo his punishment, till the instant that the law determines him:" and therefore when he is required, when the day of humiliation comes, when there is danger that if it be not now done it will not be done at all, then let the sinner look to it,—then he must repent, it cannot be any longer put off. This is the doctrine of the Roman schools, and of some others, which they have pursued to dangerous and horrid propositions.

10. Scotus and his scholars say a man is bound to repent upon holidays, as upon Christmas, Whitsuntide, or at Easter to be sure. But Sotus and Medina very confidently reprove this proposition as too severe, for this reason; because the church having appointed many holidays, yet when she explicates the doctrine of repentance, she did suppose it to be sufficient to compel the sinner to repent once by the year: and although the end why the festivals are ordained, is the inward sanctification of the soul, "hæc tamen non id est, quod per præceptum de observatione festorum injungitur," "this is not it which was enjoined by the precept concerning festivals," saith Reginaldus;[c] "for the church (saith he) commanded only the means to this interior holiness;"—so that if you do the outward work, it matters not, as to the precept of the church, whether that end be acquired or no: you disobey the church, if you do not hear mass; but though you be never the better, so you do but hear mass, she does not find herself grieved.

11. By the way, it is observable that Scotus and the more severe part of them, which affirm a man to be bound to repent on every holiday, do not intend to say that by the law of God men are so bound, but by the law of the church only. Medina and the looser part deny the church to have determined this affirmative and indefinite commandment of repentance to so much severity. But as to the law of God, they all pronounce a man to be free to repent once for all; once he must, but when that once shall be, God hath not set down: and since God left it at the greatest liberty, they do not believe that the church is so severe as some pretend, neither do they think it fit she should; but if they never repent till the article of death, they prevaricate no command of God. For "vera, atque adeo, ut expressit Navarrus in Enchir. cap. 1. n. 31. omnium communis sententia est, tempus in quo peccator conteri tenetur (intellige per se, seu vi specialis præcepti de contritione à Deo dati) esse imminentem articulum mortis naturalis, vel violentæ;" so Reginaldus:[d] "The true and common opinion of all men is, that the time in which a sinner is bound to have contrition for his sins," meaning in respect of any Divine commandment, "is the article of imminent death, whether natural or violent."—And in the mean time, "there is no precept commanding that a sinner should not persevere in enmity against God: there is no negative precept forbidding such a perseverance."[e]—Nay worse, if worse be possible, "even to resolve to defer our repentance," "velle pœnitentiam differre, nolleque nisi ad aliquod tem-

[c] Vide Reginaldum in Praxi fori Pœnitent. lib. 5. de Contritione, cap. 2. sect. 4.

[d] Lib. 5. cap. 2. sect. 4. n. 23.

[e] Idem, sect. 3. n. 21.

pus pœnitere," "and to refuse to repent till such a day, is but a very little sin," saith Scotus; "it is none at all," saith Medina; it is neither an act of impenitence, nor at all unlawful.

12. These are sad stories to be told and maintained by christian families, but therefore the more carefully to be looked to, because it is concerning the sum of affairs, and an error here is worse than an oversight in a day of battle: for repentance being the remedy for all the evils of our soul, if the remedy be ordered so as that it come too late, or deferred till the disease increase to an intolerable and an incurable evil, the state of our soul must needs be without remedy; and that in our philosophy is equivalent to desperation.

13. But before I reprove these horrid doctrines, which so entirely and without dispute prevail in some churches, I am to say two things. 1. If God hath left the time of our repentance and return so wholly without care and provision, though by the doctrine of some Roman doctors the church hath been more careful of it, and more severe than God himself, yet neither the care of the church nor the ordinary provisions and arrests made by God, can ever be sufficient to cause men to live well in any tolerable degree. For if God binds you only to repent in the day of your death, or if he, to hasten it, will affright you with a popular judgment upon the neighbourhood,—all those that escape the sickness, and all that have but little or no reason to fear it, and all those that can fly from it, shall not repent, and indeed shall not be tied to it. And if we consider the event and impressions usually made upon our cities and villages by any popular judgment, we shall find so very many to be unconcerned, that if this be the time of repentance, the duty will upon this account go but slowly forward; very many shall have no need to do it; and none will do it but they that have; and if the fear of imminent death be the only period, we may easily perceive what ill provisions are made for repentance, when even dying men will hardly believe that they shall die yet, but hope for life, till their hopes and powers of working expire together. But then because it is pretended that the church hath made better provisions, and tied all men to communicate at Easter, and consequently to repent by way of preparation to the holy communion; I confess that the church can only tie them to the outward signification of repentance, as confession, and the appendages of that intercourse; and if they omit the inward and more spiritual and essential part of this great duty, they may for this sin as well as for all the other repent in the day of death, and that is sufficient for the performance of the Divine commandment. And since the church requires no more but a periodical and a ritual repentance, the repentance of a christian will be like the Persian feast, which they called "vitiorum interitum," "the destruction of impiety;" upon the anniversary of which feast they killed all the venomous creatures they could find, but they let them alone to swarm till that day come again: and that is the event of these ritual and anniversary repentances; at a set time there is a declamation made against sin, and some significations of the evil of it expressed, but when the solemnity is over, it returns in all the material instances: and there is no help for it in this doctrine, nor in the customs and usages of those churches that entertain it. So that this doctrine must be acknowledged as a destroyer of good life: and though I know no artifices of escape from this, that are made use of, yet if there were, we are not to consider what is talked amongst schoolmen, to excuse the objection, and to maintain the faction, but what is really and materially the event of it, as it is every day observed in the manners of men.

14. The other thing which I was to say is this, that this doctrine of the Roman schools, which is the common sentence of them all, cannot be directly confuted, unless we fall upon this proposition—"that a man is positively and directly bound to repent of his sin, as soon as ever he hath committed it."—

15. For if there be not something in the nature of sin, that must not be retained at all; if there be not much in the anger of God, that must not be endured at all; if there be not obligations to the service of God, that must not be put off at all; if there be not great regards concerning the love of God, without which we must not live at all; and lastly, if there be not infinite dangers in our life, and that every putting our repentance off exposes it to the inexcusable danger of never having it done at all: then it must follow, that repentance obliges no otherwise than alms, or saying our prayers,—it is to be done in its own proper season; and the consequent of that will be, that so it be done at all, we are safe enough if it be done at any time; and if you can defer it till to-morrow, you may also put it off till the next day, and so until you die. And there is no avoiding it, as is evident to all rational and considering persons: for to-morrow and to-day are both alike as to the affirmative command; and by God's law we are not bound to it till the day of our death, if we be not bound to it every day. We must therefore choose our proposition. Does God give us leave, if we have sinned, to dwell in it, to forget our danger, to neglect the wound that putrifies? Is he pleased that we, for whom he hath given his Son,—we, whom he hath adopted into his family and made members of Christ,—we, to whom he perpetually gives his grace,—whom he invites by his promises, and calls by his preachers every day, and affrights by his threatenings every hour, and incites by his Spirit, and makes restless by the daily emotions of an unquiet conscience;—that we, whom he every day obliges, and no day neglects, to do something towards our amendment and salvation: is he, I say, pleased that we should, in despite or contempt of all this, abide in his displeasure, and dwell in that state of evil things, that if, on any hour of so many days, and weeks, and months, and years, we chance to die, we die again and die for ever? Is this likely? Does God so little value the services of our life, the vigour of our youth, the wisdom of our age, the activity of our health, the employment of our faculties, the excellency of our dwelling with him? Does he so little estimate the

growth in grace, and the repetition of holy acts, the strength of our habits, and the firmness of our love, that he will be satisfied with an accidental repentance, a repentance that comes by chance, and is certain in nothing but that it certainly comes too late? But if we may not defer our repentance to the last, then we must not defer it at all, we must not put it off one day: for if one, then twenty,—if twenty, then twenty thousand; there is no reason against one, but what is against all: but if we may not stay a thousand days, then not one hour; and that is the thing I shall now contend for.

16. (1.) I remember an odd argument used by Reginaldus,[f] to prove that a man is not bound to be contrite for his sins as soon as he remembers them; "because (says he) if he were, then it were but ill provided by God and the church, that preachers should call upon men to confess their sins, to be sorrowful for them, and utterly to leave them: for there is no question but such discourses will often remind us of our sins; and if we were then tied to repent, and did sin by not repenting, then such preachings would be the occasion of many sins, and the law would be an intolerable commandment, and Christ's yoke not to be endured; because men do not find it so easy to repent upon every notice:" so he.—But this consideration, turned with the right end forwards, is an excellent argument to enforce the duty, which I am now pressing, of a present actual repentance. For does God send preachers who every day call upon us to repent, and does not God intend we should repent on that day he calls to do it? Do the prophets and preachers of righteousness bid us repent next year? Have they commission to say, "It were well and convenient if you would repent to-day; but you do not sin if you stay till next year, or till you are old, or till you die?" To what purpose then do they preach? Does not God require our obedience? Do we not sin if the preachers say well and right, and we do it not? Is there any one minute, any one day, in which we may innocently stay from the service of God? Let us think of that. Every day on which a sinner defers his repentance, on that day he refuses to be God's servant: and if God does command his service every day, then he every day sins on which he refuses. For unless God gives him leave to stay away, his very staying away is as much a sin as his going away, that is, his not repenting is a new sin.

17. And if by way of objection it be inquired, "By what measures or rules of multiplication shall such sins be numbered; whether by every day, and why not by every night, or why not by every hour, or every half-hour?" I answer, that the question is captious and of no real use, but to serve instead of a temptation. But the answer is this; 1. That the sin of not repenting increases by intension of degrees, as the perpetuity of an act of hatred against God. He that continues a whole day in such actual hostility and defiance, increases his sin perpetually, not by the measures of wine and oil, or the strokes of the clock, but by spiritual and intentional measures; he still more and more provokes God, and in the eternal scrutiny God will fit him with numbers and measures of a proportionable judgment. 2. The sin of not repenting is also multiplied by extension; for every time a man does positively refuse to repent, every time a man is called upon or thinks of his duty and will not do it, every such negative is a new sin, and a multiplication of his scores: and it may happen that, every day, that may become twenty sins, and in a short time rise to an intolerable height.

18. (2.) He that remembers he hath committed a sin, either remembers it with joy or with displeasure. If with displeasure, it is an act of repentance; if with joy, it is a new sin; or if it be with neither, the man does not consider at all. But if it abides there, the sin will be apt to repeat its own pleasures to the memory, to act them in the fancy, and so endear them to the heart: and it is certain that all active considerations declare on one side or other, either for the sin or against it; and the devil is not so backward at tempting, and the pleasure of sin is not so inactive, but if ever it be thought upon without sorrow, it cannot easily be thought upon without some actual or potential delight: and therefore he that repents not, does sin anew. He that hath stolen is bound presently to restore if he can, and when it is in our hand it must also be in our heart to restore, and the evil must not be suffered so much as for an hour to dwell upon the injured person: so it is in the restitution of our hearts and our affections to God; there is an injustice done to God all the way by our detaining of his rights, the injury is upon him, he complains that he will not come in, and is delighted if we come speedily. Restitution therefore must be made presently; and for the satisfaction and amends for the wrong besides, God may longer expect, even till the day of its proper period.

19. (3.) Does not God every day send something of his grace upon us? Does he not always knock at the door of our hearts, as long as the day of salvation lasts? Does not he send his Spirit to invite, his arguments to persuade, and his mercies to endear us? Would he have any thing of this lost? Is it not a sin once to resist the Holy Spirit? And he that remembers his sin, and knows it is an offence against God, and yet does not repent at that thought and that knowledge, does not he resist the Holy Spirit of God, so moving, so acting, so insinuating? Is not every good sermon a part of the grace of God? "Qui monet, quasi adjuvat," says the comedy;[g] "He that counsels you, helps you:" and can it be imagined that he that resists the grace of God twenty years, is not a greater villain than he that stood against it but twenty months, and so on to twenty days, and twenty hours? "Peccatorem tanto sequitur districtior sententia, quanto peccanti ei magna est patientia prorogata: et divina severitas eo iniquum acrius punit, quo diutius pertulit," saith St. Gregory: "The longer God hath expected our repentance, the more angry he is if we do not repent;"—now God's anger would not increase, if our sin did not. But I consider, must not a man repent of his resisting God's grace,

[f] Ubi supra, sect. 3.

[g] Plautus, Curculio.

of his refusing to hear, of his not attending, of his neglecting the means of salvation? And why all this, but that every delay is a quenching of the light of God's Spirit, and every such quenching cannot be innocent? And what can be expounded to be a contempt of God, if this be not; that when God by his preventing, his exciting, his encouraging, his assisting grace, invites us to repentance, we nevertheless refuse to mourn for our sins and to repent? This is the very argument which the Spirit of God himself[h] uses, and therefore is not capable of reproof or confutation. "Because I have called and ye refused, I have stretched out my hand and no man regarded; but ye have set at nought all my counsel, and would none of my reproof;—I will also laugh at your calamity, and mock when your fear cometh." Is not therefore every call to be regarded? and consequently is not every refusing criminal? and does not God call every day? Put these things together, and the natural consequent of them is this, that he who sins and does not repent speedily, does at least sin twice, and every day of delay is a further provocation of the wrath of God. To this purpose are those excellent words of St. Paul,[i] "Despisest thou the riches of his goodness and forbearance and long-suffering, not knowing that the goodness of God leadeth thee to repentance?" That is, "every action of God's loving-kindness and forbearance of thee, is an argument for, and an exhortation to, repentance;"—and the not making use of it is called by the apostle, "a despising his goodness;" and the not repenting is on every day of delay, "a treasuring up of wrath."

Αἶψα γὰρ ἐν κακότητι βροτοὶ καταγηράσκουσι.

"Men wax old and grow gray in their iniquity," while they think every day too short for their sin, and too soon for their repentance. But (if I may have leave to complain) it is a sad thing to see a man who is well instructed in religion, able to give counsel to others, wise enough to conduct the affairs of his family, sober in his resolution concerning the things of this world, to see such a person come to church every festival, and hear the perpetual sermons of the gospel, the clamours of God's Holy Spirit, the continual noise of Aaron's bells ringing in his ears; a man that knows the danger of a sinner if he dies without pardon, that the wrath of God cannot be endured, and yet that without a timely and sufficient repentance it cannot be avoided; to see such a man day after day sin against God, enter into all temptations, and fall under every one, and never think of his repentance, but unalterably resolve to venture for it, and for the acceptance of it at last: for it is a venture whether he shall repent; and if he does, it is yet a greater venture whether that repentance shall be accepted, because without all peradventure in that case it can never be perfected. But the evil of this will further appear in the next argument.

20. (4.) He that does not repent presently, as soon as he remembers and considers that he hath sinned, does certainly sin in that very procrastination, because he certainly exposes himself to a certain and unavoidable danger of committing other and new sins. And therefore I cannot but wonder at the assertors of the opposite doctrine, who observe this danger, and signify it publicly, and yet condemn such persons of imprudence only, but not of sin. The words of Reginaldus,[k] and according to the sense of Navarre, are these; "Ad quod tamen tempus pœnitentiam differre esse salutem animæ in magnum discrimen adducere patet per illud quod ex D. Augustino refertur in cap. Siquis; et cap. finali de Pœniten. dist. 7. dubiam esse salutem illorum quos non ante sed post ægritudinem pœnitet. Ratio vero esse potest quod in eo cernatur interpretativus contemptus Dei, qui sæpius per gratias prævenientes illos excitat ac movet ad resipiscentiam, agendamque pœnitentiam, conterendumve de suis peccatis: nihilominus non curant atque negligunt:" "He that defers his repentance brings his soul into manifest and great danger, according to the doctrine of St. Austin; for it is an interpretative contempt of God, who often excites them by his preventing graces, to repent and to do penance, and to be contrite for their sins, but they neglect it and care not." Now since thus much is observed and acknowledged, it is a strange violence to reason and to religion, that it should not also be confessed to be the design and intention of God, his will and pleasure, the purpose of his grace, and the economy of heaven, the work of his Spirit, and the meaning and interpretation of his commandment, that we should repent presently. For when the question is concerning the sense and limit of an indefinite commandment, what can be a better commentary to the law than the actions of God himself? for he understands his own meaning best; and certainly by these things he hath very competently and sufficiently declared it.

21. If it be objected that these actions of the Divine grace are not sufficient to declare it to be a sin not to do it, whenever the grace of God prompts us to repent, because we find that the Spirit of God does use rare arts to invite us forward to such degrees of perfection and excellency, to which whoever arrives shall be greatly rewarded, but if a man falls short, he does not sin; I reply, that the case is not the same in the matter of counsel, and in the matter of a commandment: for when the question is concerning the sense and signification, the definition and limit, of that which is acknowledged to be a commandment, the actions of the Divine grace signifying God's pleasure and meaning, do wholly relate to the commandment: when the thing is only matter of counsel, then the actions of the Divine grace relate to that, and are to be expounded accordingly. But thus they are alike; that as God by his arguments and inducements, his assistances and aids, declares, that to do the thing he counsels would be very pleasing to him; so they declare, that what he commands, is to be done, that he intends the commandment then to bind, that whenever the one is good, the other is necessary. But his pleasure which he signifies concerning a counsel, does not mean like his pleasure concerning a commandment;

[h] Prov. i. 24. [i] Rom. ii. 4.

[k] Lib. 5. prax. fori Pœnit. cap. 2. sect. 4. n. 23.

but every thing according to the nature of the subject-matter: for God having left the one under choice, and bound the other by a law, whatever signification of the mind of God comes after this, must be relative to what he hath before established, and does not now alter, but only expound now what his meaning was before. Since therefore the question here is, to what precise time we are obliged in the precept of repentance, nothing is more reasonable than to conclude, that then God intended we should keep the precept, when he enables us, and exhorts and calls upon us, to do it, which because he by his grace and Holy Spirit does every day,—this declaration of God is the best commentary upon his commandment.

22. But to return to the first purpose of this argument. He that knows he hath sinned, and will not kill it by repentance, leaves the affections to sin remaining; an aptness to be tempted, a relation to the devil, a captivity to lust, and an impotency under his passion. For if sin be a cursed serpent, if it leaves any venom upon the spirit of the man, if by committing sin we are more apt to commit it still, he that hath sinned, and when he remembers it does not repent,—keeps himself in the dispositions to sin, he dwells in the temptation and the neighbourhood: and because every thing that invites and directly tends to sin, is symbolical and of the same nature, the retaining of that very aptness by not repenting of the old, must needs be a progression and going on in sin, and therefore a new sin by interpretation.

23. And if we consider but the sad circumstances of those persons who wax old in carelessness and contempt of duty, how dead their spirit is, how every day they grow more unwilling to repent, how habitual their persuasions are in the behalf of sin, how accidentally hard they grow, and by perceiving so long an impunity, and that things remain as they were twenty years ago, and that though they sinned then, yet they are well still, and all the affrightments of the preachers' sermons are but loud noises and harmless thunder, they grow confident and still more careless; we shall find that their spirit is in delusion, and is continually, and still further, distant from the friendship of God. So sometimes we see a healthful body, by the disorders of one intemperate meeting, fallen into the beginnings of a sickness. The man, it may be, does so no more; but feeling his sickness tolerable, and under the command of reason, he refuses to take physic, and to throw out the evil principle which begins to ferment in the disordered body: but nature being disturbed and lessened in her proper vigour, goes on in her usual methods as well as she can; she goes forward, but she carries a load, which in a long progression grows intolerable, not by its own weight, but by the diminution of nature's strengths. But when the evil is grown great, the physician is called for; who espying the evil state of things, is forced to reply, "It is now very late, for nature is weak and the disease is strong. I shall do what art can minister, but I fear that nature is incapable of relief." So it is in the soul; the very deferring of taking physic is an increasing of the disease. For every sin is "ulcus" ἕλκος ἀπὸ τοῦ ἕλκειν, it is an "ulcer," and "draws" all the humours thither for its increase and nourishment; and that which is sore, will swell, and all the waters will run to the hole in the bank, and every finger to the wound that smarts, and every eye to the thing we fear; and therefore it hath been observed by the wise guides of souls, that those persons who defer their repentance to their old age, their repentance comes off the harder, their penitential actions are the worse, their zeal colder, their care more indifferent, their religion less, their fears are trifling, their love stark and cold, their confessions formal and imperfect, every thing amiss, nothing right: but no repentance can be that which God intends, unless it begins betimes.

> Vidi ego, quod fuerat primo sanabile, vulnus
> Dilatum longæ damna tulisse moræ. OVID.

Any one disease if let alone, though there be no new sickness supervening, grows mortal by mere delay, and incurable for want of timely remedy.

24. (5.) Let us consider upon what account any man can defer his repentance and yet be innocent. It must either be because he loves his sin, or because he loves not God: because he either despises the Divine justice, or presumes upon his mercy; because he hath evil principles, or because he will not obey those which are good. It is positive impenitence, or it is privative; it is hardness of heart, or it is effeminacy of life; it is want of fear, or want of love: and whatsoever can come from any of these causes or beginnings, can never be innocent. And therefore St. Ambrose's question was a good caution and a severe reproof: "Quid enim est quod differas? an ut plura peccata committas?" "Why do you defer your repentance? is it because you would commit more sins?" That is more likely.

> Sed, quia delectat Veneris decerpere fructus
> Dicimus assiduè, "Cras quoque fiet idem."
> Interea tacitæ serpunt in viscera flammæ;
> Et mala radices altius arbor agit.[1]

He that says he will not repent of his lust to-day, says, in effect, that he means to act it again to-morrow;—for why else should he put his repentance further off?

> Quid juvat in longum causas producere morbi?
> Cur dubium expectat cras hodierna salus?

If you really intend your cure, it is better to begin to-day than to-morrow: and why should any man desire to be sick one day longer? Whatever can be in it, it is a disease and a very sickness of itself. There can be no good excuse pretended for it. For if carelessness, if the neglect of holy things, can ruin us, as certainly a man may die with hunger as surely as by gluttony, by not eating at all as well as by eating too much, by omission as well as by commission, it will follow that the not repenting is fatal and damnable, because every delay is a not-repenting till that delay be gone.

25. (6.) The Scripture does every where call upon us for speedy repentance. For God that com-

[1] Lib. 1. de Remed. Amoris.

mands us to pray every day, consequently commands us to repent every day. This argument ought to prevail even upon the adversaries' account: for Navarre confesses,[m] "Extra tempus articuli mortis, dantur causus, in quibus peccator conteri tenetur per aliud, sive ex vi alicujus præcepti quod peccator ipse transgreditur, aliquid agens non contritus."—When there is any distinct precept obliging to a duty which cannot be done by him that is not penitent, he that directly obliges to that other duty, does indirectly and consequently at that very time oblige to repentance. Thus when the church obliges a priest to consecrate and to communicate, because he who does so without repentance commits a deadly sin, the church accidentally ties him at that time to repent. From these premises I assume, that since God obliges us every day to pray, he also obliges us to do that, without which we cannot pray as God intends we should; that is, to throw away all our affection to sin, to repent of it and to forsake it. For "the prayer of a wicked man is an abomination to the Lord," said Solomon;—and "We know that God heareth not sinners," said he in the gospel; that is, those who having sinned have not yet repented,

——— Infelix infelicior ut sit,

being unhappy in their hasty sin, but more unhappy in their slow repentance; but it is the prayer of the repenting man which God will hear; and therefore our blessed Saviour commanding us to pray, and teaching us how, enjoins us, that we, every day, pray for the forgiveness of our trespasses; as for our daily bread, so for our daily pardon: "Panem nostrum da nobis hodie," "Give us this day our proportion of bread;" and therefore also "This day give us pardon;" for we must return "to-day:" "hodie" for "bread,"—and "hodie" for "forgiveness" and amendment.—So the psalmist, and so the apostle in his words, "To-day hear his voice, and harden not your hearts;" not only expressly commanding us not to defer our repentance one day, but plainly enough affirming, that every such delay is an act of hardness of heart and obduration, and therefore a new sin superadded to the old. For although in nature and logic time consignifies, that is, it does the work of accidents and appendages and circumstances, yet in theology it signifies and effects too; time may signify a substantial duty, and effect a material pardon: but of all the parts of time we are principally concerned in the present. But it is remarkable, that though "hodie," "to-day," signifies the present time, yet the repentance which began yesterday, which took an earlier "hodie," is better than that which begins to-day: but that which stays till to-morrow is the worst of all.

Ille sapit, quisquis, Posthume, vixit heri. MARTIAL.

For "heri" and "hodie," "yesterday" and "to-day," signifies "eternity:"—so it is said of Christ, "Yesterday and to-day, the same for ever."—But "hodie" and "cras," "to-day" and "to-morrow," signifies but "a little while."—"To-day and to-morrow I work," said Christ; that is, "I work a little while;" and "the third day,"—that is, very shortly or quickly,—"I shall make an end."—That repentance is likely to prevail to a happy eternity which was yesterday and to-day, but if it be deferred till to-morrow, it begins late and will not last so long. To this purpose excellent are those words of Ben Sirach;[n] "Make no tarrying to turn unto the Lord, and put not off from day to day: for suddenly shall the wrath of the Lord come forth, and in thy security thou shalt be destroyed:" meaning, that "every day of thy life may be the day of thy death, therefore take heed, and defer not until death to be justified," for God oftentimes smites sinners in their confidence; he strikes them in their security, in their very delay they are surprised, in their procrastination they shall lose their hopes, and the benefit and usefulness of to-morrow. For what is vain man, that he should resolve not to repent till Easter? It may be, at that very time he so resolves there is an imposthume in his head or breast,—or there is a popular disease abroad that kills in three days,—or to-morrow's dinner shall cause a surfeit,—or that night's drinking shall inflame his blood into a fever,—or he is to ride a journey the next day, and he shall fall from his horse and die,—or a tile in the street shall dash his brains out;—and no man can reckon all the possibilities of his dying suddenly, nor the probabilities that his life will end very quickly. This question therefore may be determined without the intrigues of disputation. Let a man but believe that he is mortal, let him but confess himself to be a man, and subject to chance, and there is no more required of him in this article, but the consequence of that confession. "Nemo Deo credens non se sub verbis ejus corrigit, nisi qui diu se putat esse victurum," saith St. Austin; "Whosoever believes in God, will presently amend his life at the command of God, unless he thinks he shall live long."—But what if a man should live long? is it so intolerable a thing to live virtuously when we are to live long, that the hopes of life shall serve to no other end but that sin may be continued and repeated, and repentance may be delayed? That is the worst conclusion in the world from such premises. But however, he that considers that so many men and women die young, will have but little reason to conclude to so evil and dangerous purposes from so weak and contingent principles. When Theramenes came out of his friend's house, the roof and walls immediately fell down. The Athenians espying the circumstances of that safety, flocked about him, congratulated his escape, and cried him up as a man dear unto the gods for his so strange deliverance from the ruin. But he wisely answered, "Nescitis, viri, ad quæ tempora et pericula Jupiter me servare voluerit;" "Ye know not, O Athenians, to what evils I am reserved." He said true; for he that had escaped the fall of a house in Athens, was, in a little while, condemned by the Ephori of Sparta to drink the cold and deadly

[m] Apud Reginald. ubi supra.

[n] Ecclus. v. 7.

hemlock; he passed but from one opportunity of death unto another.

Οὐκ ἔστιν ὅντιν' ὄντων, ὅστις ἐξεπίσταται
Τὴν αὔριον μέλλουσαν εἰ βιώσεται. EURIP.

"No man can tell whether he shall live till to-morrow:" and to put off our repentance, when, it may be, there is at the very instant the earnest of death in thy heart or bowels, a stone ready formed, hardened and ripe in the kidneys, and will, before to-morrow morning, drop into the bladder,

Mors latet in mediis abdita visceribus,

"Death is already placed in the stomach,"—or is gone into the belly;—then, that is, in any case to defer repentance, is a great folly and a great uncharitableness, and a contempt of all the Divine relations concerning heaven and hell. Μὴ πίστευε χρόνῳ, of all things in the world "do not trust to time."

—— Obrepit non intellecta senectus;
Nec revocare potes, qui periere, dies.—AUSON.

In time there is nothing certain, but that a great part of our life slips away without observation, and that which is gone shall never come again. These things although they are dressed like the arguments of orators, yet they do materially and logically conclude, that if to be uncharitable be a sin, he that defers his repentance in so uncertain a life, and so certainly-approaching death, must needs be a very great sinner upon that account, because he does not love himself, and therefore loves nobody, but abides without charity. But our blessed Saviour hath drawn this caution into a direct precept; "Agree with thine adversary ταχύ, 'quickly:'"—The hope of eternity which now is in thy hand, may else be lost for ever, and drop through thy fingers before to-morrow morning. "Quanto, miser, in periculo versaberis, quamque inopinati rerum casus te abripient!" [o] "Miserable man, thou art in extreme danger, and unlooked-for accidents may end thy talkings of repentance, and make it impossible for ever."—A man is subject to infinite numbers of chances; and therefore, that we may not rely upon the future or make delays, let us make use of this argument,—"Whatsoever comes by chance, comes upon the sudden."—

26. But because this discourse is upon the grounds of Scripture, it is of great force what was by the Spirit of God [p] threatened to the angel of the church of Ephesus; "Repent, for I will come unto thee quickly, and remove the candlestick out of its place unless thou dost repent:" that is, "Unless thou repent quickly, I will come quickly." Who knows how soon that may be to any man of us all? and therefore it is great prudence and duty and charity to take care, that his coming to us do not prevent our return to him; which thing can never be secured but by a present repentance. And if it be considered that many persons as good as we, as wise, as confident, as full of health, and as likely to live, have been snatched away when they least did think of it, with a death so sudden, that the deferring their repentance one day hath been their undoing for ever: that if they had repented heartily, and chosen a good life clearly and resolvedly upon the day before their sudden arrest, it would have looked like a design of grace and of election, and have rendered their condition hopeful;—we shall find it very necessary that we do not at all defer our return, for this reason, because one hour's stay may, not only by interpretation but also in the real event of things, prove to be that which St. Austin called "the sin against the Holy Ghost," that is, final impenitence. For as he that dies young, dies as much as he that dies after a life of fourscore years;—so is that impenitence final, under which a man is arrested under the infancy of his crime, as much as if, after twenty years' grace and expectation, the man be snatched from hence to die eternally. The evil is not so great, and the judgment is not so heavy, but as fatal and as irreversible as the decree of damnation upon the falling angels.

27. (7.) When we see a man do amiss, we reprove him presently, we call him off from it at the very time, and every good man would fain have his unhappy friend or relative leave in the midst of his sin, and be sorry that he went so far; and if he have finished his sin, we require of him instantly to hate it, and ask pardon. This is upon the same account that God does it, because to continue in it, can be for no good; to return instantly hath great advantages; to abide there is danger, and a state of evil; to choose to abide there is an act of love to that evil state, and consequently a direct sin; and not to repent when we are admonished, is a choosing to abide there: and whenever we remember and know and consider we have sinned, we are admonished by God's Spirit, and the principles of grace and of a holy religion. So that from first to last it follows certainly, that without a new sin, we cannot remember that we have sinned, unless then also we do repent: and our aptness to call upon others to do so, is a great conviction that every man is obliged in his own particular to do so.

Ἅπαντές ἐσμεν εἰς τὸ νουθετεῖν σοφοί·
Αὐτοὶ δ' ἁμαρτάνοντες οὐ γιγνώσκομεν.

Since we are all wise enough to give good counsel, it will reproach us if we are not conducted by the consequences of our own wise advices. It was long first, but at last St. Austin fell upon this way; nothing could end his questions, or give rest unto his conscience, or life to his resolutions, or satisfaction to his reason, or definition to his uncertain thoughts, or a conclusion to his sin, but to understand the precept of repentance to oblige in the very present and at no time else. "Differens dicebam, 'modo ecce modo, sine paululum:' sed 'modo et modo' non habebat modum:" he would anon, and he would next week, and he would against the next communion; but there was no end of this; and when he saw it, "Sub fico stravi me flens, quamdiu, quamdiu cras, et cras? quare non modo? quare non hac horâ finis turpitudinis meæ?" "I wept and said, How long shall I say, 'To-morrow?' Why shall I

[o] S. Greg. Naz. in Sanct. Bapt.

[p] Rev. ii. 5.

not now, by present repentance, put an end to my crimes?" If not now, if not till to-morrow, still there is the same reason for every time of your health, in which you can say to-morrow. There is enough to determine us "to-day," but nothing can determine us "to-morrow."—If it be not necessary now, it is not necessary then, and never can be necessary till it be likely there will be no morrow-morning to our life. I conclude this argument in the words of the Latin anthology,

Converti ad rectos mores et vivere sanctè
In Christo meditans, quod cupit acceleret.

He that would live well and be Christ's servant, must make haste, and instantly act what he knows he ought always to purpose, and more. To which purpose St. Eucherius gives this advice, which at first will seem strange; "Propound to yourself the example of the thief upon the cross: do as he did."—Yes, we are too ready to do so, that is, to defer our repentance to the last, being encouraged by his example and success. No: we do not as he did: that is a great mistake. It is much to be wished, that we would do as he did in his repentance. How so? St. Eucherius thus resolves the riddle; "Ad consequendam fidem non fuit extrema illa hora, sed prima." He did not defer his repentance and his faith unto the last; but in the very first hour in which he knew Christ, in that very instant he did believe and was really converted: he confessed Christ gloriously, and repented of his sins without hypocrisy: and if we do so too, this question is at an end, and our repentance shall be approved.

28. (8.) He that hath sinned, and remembers that he hath sinned, and does not repent,—does, all that while, abide in the wrath of God. God hates him in every minute of his delay. And can it consist with any christian grace, with faith, or hope, or charity, with prudence or piety, with the love of God or the love of ourselves, to outstand the shock of thunder, to outface the cannon, to dare the Divine anger, and to be careless and indifferent, though he be hated by the fountain of love and goodness, to stand excommunicate from heaven? All this is beside the sin which he committed; all this is the evil of his not repenting presently. Can a man consider that God hates him, and care not though he does, and yet be innocent? And if he does care, and yet will not remedy it, does not he then plainly despair, or despise it presumptuously? and can he that does so, be innocent? When the little boy of Xylander saw a company of thieves robbing his father's house, and carry away the rich vessels, and ten Attic talents, he smiled and whipped his top. But when a child who was in their company stole his top from him, he cried out and raised the neighbourhood.

Sic sunt qui rident, nec cessant ludere, sævus
Cum Satanas illis non peritura rapit.

"So is he that plays on and is merry, when his soul is in the possession of the devil:"—for so is every soul that hath sinned and hath not repented; he would not be so patient in the loss of his money, he would not trust his gold one hour in the possession of thieves, nor venture himself two minutes in a lion's power; but for his soul he cares not though it stay months and years in danger so great, as would distract all the wits of mankind, if they could understand it perfectly as it is.

29. (9.) If there were nothing else, but that so long as his sin is unrepented of, the man is in an unthriving condition, he cannot entertain God's grace, he cannot hope for pardon, he cannot give God thanks for any spiritual blessing, he cannot love his word, he must not come to the holy sacrament: if, I say, there were nothing else in it but the mere wanting of those excellences which were provided for him, it were an intolerable evil, for a man to be so long in the dark without fire and food, without health or holiness: but when he is all that while the object of the Divine anger, and the right-aiming thunderbolts are directed against his heart from the bow in the clouds, what madness and what impiety must it needs be to abide in this state of evil without fear and without love!

30. (10.) The advice of St. Paul in the instance of anger hath something in it very pertinent to this article; "Let not the sun go down upon your wrath;" that is, do not sleep till you have laid aside your evil thoughts: for many have quietly slept in sin, who with horror and amazement have awaked in hell. But St. Paul's instance of anger is very material, and hath in it this consideration, that there are some principiant and mother-sins, pregnant with mischief, of a progressive nature: such sins which if they be let alone will of themselves do mischief: if they be not killed, they will strike,—like as quicksilver unless it be allayed with fasting-spittle, or some other excellent art, can never fix: now of these sins there is no question but a man is bound instantly to repent; and there is no season for these, but all times are alike, and the first is duty. Now how many are thus, is not easily told; but it is easily told, that all are so of their own nature, or may be so by the Divine judgment; and therefore none of them are to be let alone at all.

31. (11.) The words of St. Austin, which he intended for exhortation, are also argumentative in this question; "Hodiernum habes, in quo corrigaris,"—"You have this day for your repentance."—To-morrow you have not. For God did not command him that lived in the time of Samuel, to repent in the days of Moses; that was long before him, and therefore was not his time: neither did he command, that Manasses should repent in the days of the Asmonæi; they lived long after him, and therefore that could not be his time, or day of repentance. Every one hath a day of his own. But when we consider that God hath commanded us to repent, and yet hath given us no time but the present, we shall perceive evidently, that there is no time but the present, in which he intended we should obey him. Against this there can be no objection, for it is so in all our precepts whatsoever, unless there be something in the nature of the action that is determinable by circumstances and particularities: but in this there is nothing of relation to

time and place; it may be done at any time, and is of an absolute, irrespective nature, of universal influence, and of absolute necessity: and God could no more intend to-morrow to be the proper season of repentance than he could intend the five and twentieth olympiad to be your day for it; for the commandment is present, and to-morrow is not present; and therefore unless we can suppose a commandment, and no time given us with the commandment for the performing it, we must suppose the present only to be it. If to-morrow does come, then when it is present, it is also the time of your repentance. By which it is infallibly certain, and must be confessed so by all wise and rational persons that know the consequences of things, and the persuasion of propositions, that God in every present commands us to repent; and therefore in every present in which we remember our sin and repent not, we offend God, we prevaricate his intentions, we sin against his mercies, and against his judgments, and against his commandments. I end this with the plain advice of Alcimus Avitus:

> Dum patulam Christi cunctis clementia sese
> Præbet, præteritæ plangamus crimina vitæ,
> Pœniteatque olim negligenter temporis acti,
> Dum licet, et sano ingenioque animoque valemus.

In which words, besides the good counsel, this argument is insinuated, "that because we must repent even of the days of our negligence, and be sorry for all our mispent time, and weep for having stayed so long from God,—it follows that the very deferring of our repentance, our very neglecting of it, is a direct sin, and increases the causes of repentance; and therefore makes it the more necessary to begin the sooner, by how much we have stayed the longer."

Question II.

32. As an appendage to this great case of conscience, it is a useful inquiry to ask, Whether a man is bound to repent, not only the first time, but every time that he thinks of his sin?

33. I answer, that he is; but to several purposes; and in differing measures and significations. If he hath never repented, then upon the former accounts, every remembrance of his sin is a specification and limit to the indefinite and affirmative commandment; and the second thought of it, because the first not being attended to, hath increased the score, and the time being so much the more spent, hath increased the necessity and the haste: and if the second be neglected, then the third still calls louder: and every succeeding thought does not only point us out the opportunity, and the still-proceeding season of doing it, but it upbraids every preceding neglect, and presses the duty stronger by a bigger weight of the same growing arguments. For no man is safe but he that repents at least to-day; but he was wise that repented yesterday. And as it is in human intercourse, he that hath done wrong, and runs presently to confess it, and offer amends, shall have easier terms of peace than he that stands out at law, and comes not in till he be compelled: so it is in our returns to God; the speedy penitent shall find a ready and a prepared mercy, but he that stays longer, will find it harder, and, if he stays to the last, it may be not at all. But then if we have repented at the first monition or memory of sin, we must never any more be at peace with it: it will perpetually make claim, it will every day solicit, it will break into a flame upon the breath of every temptation; it will betray thy weakness and abuse thy credulity; it will please thy fancy and abuse thy understanding; it will make thee sin again as formerly, or desire to sin, to fall willingly, or very hardly to stand; and after all, if thou hast sinned, thou art under a sad sentence, and canst not tell when thou shalt have a certain peace. So that whenever thou thinkest of thy sin, thou hast reason to be displeased, for thou art always the worse for it; always in danger, or always uncertain; thou hast always something to do, or something to undo: something to pray for, and many things to pray against. But the particular causes of a perpetual repentance for our past sins are reducible to these two.

34. (1.) Whenever we have sinned, and fallen into the Divine displeasure, we dwell for ever after in the dark: we are sure we sinned, and God's anger is plainly revealed against sinners: but we know not how far this anger will extend, nor when it will break out, nor by what expressions it shall be signified, nor when it will go off, nor at what degree of sorrow God will be appeased, nor how much industry shall be accepted, nor how many actions of infirmity shall be allowed;—nothing of this is revealed. But we are commanded to do an indefinite duty, we are to have an unlimited watchfulness, we are called upon to have a perpetual caution, a duty that hath no limit, but all our time and all our possibilities; and all the fruit of this is growing in the paradise of God, and we shall not taste it till the day of the revelation of the righteous judgment of God. In the mean time we labour and fear; we fear and hope; we hope and are uncertain; we pray and cannot see what will be the event of things. Sometimes we are confident; but that pertness comes, it may be from the temper of the body, and we cannot easily be sure that it comes from God: and when we are cast down, it may be, it is nothing but an effect of the spleen, or of some hypochondriacal propositions, or some peevish company, and all is well with us, better than we think it is; but we are under the cloud, and, which is worst of all, we have always but too much reason to fear, and consequently to be grieved for, the causes of all this darkness, and all this fear, and all this danger.

35. (2.) Besides all this, our sin is so long in dying, and we kill it with such lingering circumstances, and reprieve it so often, and it is often laid aside only until the day of temptation, and our repentance is so frequently interrupted, or made good for nothing, and even in our weepings for sin we commit folly, that a man can never tell when he hath done, and when he is to begin again. For these reasons we find it very necessary to hate our sin perpetually, and for ever to deplore our calamity in the Divine displeasure, to remember it with sorrow, and to strive against it with diligence. Our

sins having made so great an alteration in our persons, and in the state of our affairs, we cannot be so little concerned as to think of them with indifference; a sigh at least, or a tear, will well become every thought; a prayer for pardon or an act of indignation against them; a "Domine, miserere," or a "Me miserum peccatorem!" "Have mercy upon me, O God," or, "Miserable man that I am!" something of hope, or something of fear. Own it but as a cause of sorrow, or an instance of thy danger; let it make thee more zealous or more patient; troubled at what is past, or cautious for the time to come: and if at every thought of thy sin it be not easy to do a positive act of repentance, yet the actions must be so frequent that the repentance be habitual; ever in preparation, and ever apt for action; seeking occasions of doing good, and omitting none; praying and watching against all evil, and committing none. At this rate of repentance a man must always live, and in God's time expect a freedom from sin, and a confirmation in grace. But then as to the main issue of the question;

36. It is not intended that a man should, every time, weep when he thinks of his sins; sometimes he must give thanks to God for his escape, and rejoice in the memory of the Divine mercies, and please himself in the promises of pardon, and do acts of eucharist and holy festivity. But even these acts of spiritual joy, if they endear our duty, they destroy our sin; if they make us to love God, they make us to hate sin; if they be acts of piety, they are acts of repentance. So that when it is said, at every thought of your sin you must do something of repentance, if you do any act at all, this is nothing else but a calling upon us for the particulars, and to pursue the methods of a good life. For repentance is the conversion of the whole man, an entire aversation from evil, and a full return to God; and every action of amendment, every prayer for pardon, and every mortification of our desires, every observation and caution against danger, all actions of a holy fear, and every act of hope, even our "alms and mercy to the poor, is a breaking off our sins,"[q] and therefore an action of repentance. So that if there can be any time of our life, in which a sinner may not serve God and yet be innocent, then it will be allowed at some time to think of our sin and consider it, and yet not do an act of repentance; but in no case else can it be allowed.

37. So that by this discourse we have obtained all the significations of "hodie," "to-day," and they all relate to repentance. For though it signifies the present time as to the beginning of this duty, yet it signifies our whole life after that beginning, that is our "hodie," "to-day," we must begin now and continue to do the same work all our days. Our repentance must begin this day by the computations of time, and it must not be put off one day, yet it must go on by the measures of eternity. As soon as ever and as long as ever we can say "Hodie," it is "To-day," so soon and so long we must repent. This is as certain in divinity as a demonstration in the mathematics.

[q] Dan. iv.

38. The sum is this; If, by repentance, we mean nothing but sorrow, then it hath its season, and does not bind always to all times. But if, by repentance, we understand a change of life, to which sorrow is only instrumental and preparatory,—then it is our duty always to repent. That is, if you do any thing at all it must be good: even to abide in goodness, to resolve not to sin, to love not to sin, to proceed or to abide in innocence by choice and by delight, by custom and resolution, are actions of an habitual repentance; but repentance is never safe till it be habitual, but then also it is so much the more perfect, by how much it is the more actual.

39. To conclude this inquiry, we must pray often, but we must repent always: and it is in these affirmative precepts as it is in the matter of life and eating; we must eat at certain times and definite seasons, but we must live continually. Repentance is the new life of a christian; and therefore we must no more ask when we are bound to repent, than when we are by nature required to breathe. The motion must return speedily, or we die with strangling.

RULE XVII.

Because the Laws of Jesus Christ were delivered in Sermons to a single Person, or a definite Number of Hearers, we are curiously to inquire and wisely to understand, when those Persons were only personally concerned, and when they were Representatives of the whole Church.

1. This rule I learn from St. Austin;[r] "Erit igitur hoc in observationibus intelligendarum Scripturarum, ut sciamus alia omnibus communiter præcipi, alia singulis quibusque generibus personarum: ut non solum ad universum statum valetudinis, sed etiam ad suam cujusque membri propriam infirmitatem medicinâ pertineat:" "Some things are given to all; others but to a few; and some commands were to single persons and single states: God having regard to the well-being of societies, and to the health even of every single christian."—That there is a necessity of making a distinction is certain; but how this distinction is to be made is very uncertain, and no measures have yet been described, and we are very much to seek for a certain path in this intricacy. If we do not distinguish precept from precept, and persons from states of life, and states of life from communities of men, it will be very easy for witty men to bind burdens upon other men's shoulders with which they ought not to be pressed; and it will be very ready for scrupulous persons to take loads upon themselves which appertain not to them, and very many will dispute themselves out of their duty, and say, "Quid ad me?" "I am not concerned here;"—and the conscience shall be unguided and undetermined while the laws of order shall, themselves, lie undistinguished and undiscerned in confusion and indiscrimination. There must be care taken of this; or

[r] Lib. 3. de Doctrinâ Christianâ, cap. 17.

else, cases of conscience will extremely multiply to no purposes but those of danger and restless scruple. The best measures that I know, are these;

2. (1.) There are some precepts, which are, by all men, confessed to be general, and some are every where known to be merely personal: and by proportion to these we can be helped to take account of others. When Abraham, as a trial of his obedience, was commanded to sacrifice his son, this was alone a commandment given to that man concerning that child, at that time, and to that purpose. So when he was commanded to forsake his country and go to Canaan, this was personal, and could not be drawn into example: and no man could think that if he should kill his son, or leave his country, he should be rewarded for his obedience. For the commandments given to persons are individuated as the persons themselves are, by time and place and circumstances, and a singular nature, a particular soul: so is the commandment also; it is made circumstantiate by all that is in and about it: and the reason of a man and his observation are the competent and final judge of these things; and no man is further required to look after significations of that which is notorious. Others also are as certainly and confessedly general; such as were the ten commandments to the children of Israel; they were given to all the people, proclaimed to the whole nation, expressly spoken to them all, exacted of them all, and under the same reason, and upon the same conditions. Now here are some proportions, by which we may guess at others.

3. (2.) For whatsoever related wholly to a person, or was determined by a circumstance, or was the relative of time, that passes no obligation beyond the limits and definitions of those circumstances. Upon this account, all the ceremonial and judicial laws of the Jews have lost their obligation. The service, that related to a temple that is now destroyed, and was to be performed by a priesthood that is expired, —can no longer be a law of conscience. Thus the command which Christ gave, that his brethren should follow him into Galilee after the resurrection, was wholly personal. The apostles were commanded to untie another man's ass, and without asking leave to bring him to Christ, the command was wholly relating to that occasion, and gives no man warrant to take another man's goods for pious uses without his leave. Circumstances are to actions like hedges to the grounds, they divide and defend, and assign every man's portion. And in these cases, ordinary prudence is a sufficient guide.

4. (3.) Whatsoever precept was given to many, if it was succeeded to by another that is inconsistent, or of a quite differing nature and circumstance,— the former is, by the latter, declared to have been personal, relative, temporary, and expired; and nothing of it can be drawn into direct obligation. When our blessed Saviour sent out the seventy-two disciples by two and two, he commanded them to go without sword or shoes or bag, and that they should not go into the way of the gentiles. That these commandments were temporary and relative to that mission, appears by the following mission after Christ's resurrection; by which they received command, that they should go into the way of the gentiles, that they should "teach all nations." Therefore besides the special and named permissions in this second legation, as that they might now wear a sword, that they might converse with heathens,— it is certain that those other clauses of command, which were not expressly revoked, are not obligatory by virtue of the first sanction and commandment. And therefore if any man shall argue, "Christ when he sent forth his disciples to preach, commanded that they should not go from house to house, but where they did first enter, there to abide till the time of their permitted departure,—therefore it is not lawful to change from one church to another, from a less to a greater, from a poorer to a richer," will argue very incompetently and inartificially; for all the commandments then given were relative to that mission: and if any thing were inserted of a universal or perpetual obligation, it is to be attended to upon some other account, not upon the stock of this mission and its relative precepts.

5. (4.) It is not enough to prove a precept to be perpetual and general, that it is joined with a body of precepts that are so, though there be no external mark of difference. Thus we find in the ten words of Moses, one commandment for resting upon the seventh day from the creation: it is there equally prescribed, but fortified with reasons and authority, more laboriously pressed, and without all external sign of difference to distinguish the temporary obligation of this from the perpetuity of the other; and yet all the christian church esteem themselves bound by the other, but at liberty for this day. But then we understand our liberty by no external mark appendant to the sanction, but by the natural signature of the thing. The nature of the precept was ceremonial and typical; and though to serve God be moral and eternal duty, yet to serve him by resting upon that day, or upon any day, is not moral; and it was not enjoined in that commandment at all that we should spend that day in the immediate service of God, and offices of religion: and it was declared by St. Paul, to be "a shadow of good things to come;" and by our blessed Lord it was declared to be of a yielding nature, and intended to give place to charity and other moral duties, even to religion itself, or the immediate service of God. For though the commandment was a precept merely of rest, and doing no labour was the sanctification of the day,—yet that the priests in the temple might worship God according to the rites of their religion, they were permitted to work, viz. to kill the beasts of sacrifice, which Christ called profaning of the sabbath, and in so doing he affirms them to have been blameless. From hence, that is, from the natural signature of the thing commanded, and from other collateral notices, we come to understand that in the heap of moral and eternal precepts, a temporary, transient, and relative, did lie: and the reason why there was no difference made, or distinctive mark given in the decalogue, is because there was no difference to be made by that nation to whom they were given; but as soon as that dispensation and

period was to determine, then God gave us those marks and notes of distinction which I have enumerated, and which were sufficient to give us witness. So that if a whole body of commandments be published, and it be apparent that most of them are general and eternal, we must conclude all to be so, until we have a mark of difference, directly or collaterally, in the nature of the thing, or in our notices from God: but when we have any such sign, we are to follow it; and the placing of the precept in other company is not a sufficient mark to conclude them all alike. Thus it was also in the first mission of the disciples, (above spoken of,) in which the body of precepts was temporary and relative; but yet when our blessed Lord had inserted that clause, "Freely ye have received, freely give," we are not to conclude it to be temporary and only relating to that mission, because it is placed in a body of relative commandments; for there is in it something that is spiritual, and of an eternal decency, rectitude, and proportion; and we are taught to separate this from the other by the reproof, which fell upon Simon Magus, by the separate nature of spiritual things, by the analogy of the gospel, by the provisions which upon other accounts are made for the clergy and the whole state ecclesiastical, upon the stock of such propositions which provide so fully, that they cannot be tempted by necessity to suppose God left them to be supplied by simoniacal intercourses. If there be nothing in the sanction of the commandments or any where else, that can distinguish them, we must conclude them alike; but if there be any thing there or any where else, that makes an indubitable or sufficient separation, the unity of place does not make an equal obligation.

6. (5.) When any thing is spoken by Christ to a single person, or a definite number of persons, which concerns a moral duty, or a perpetual rite of universal concernment, that single person, or that little congregation, are the representatives of the whole church. Of this there can be no question; 1. Because as to all moral precepts they are agreeing to the nature of man, and perfective of him in all his capacities; and therefore such precepts must needs be as universal as the nature, and therefore to be extended beyond the persons of those few men. Now if it be inquired how we shall discern what is moral in the laws of God, from what is not moral, we may be assisted in the inquiry by the proper measures of it, which I have already described.[s] Those concern the matter of the commandment; here we inquire concerning the different relation of the commandment, when the sanction is the same with these which are of particular concernment; that is, here we inquire by what other distinction, besides the matter and nature of the thing, we are to separate general precepts from personal, perpetual from temporal, moral from relative. And thus to inquire, is necessary in the interpretation of the laws of Jesus Christ; because there are some precepts moral and eternal, which, nevertheless, are relative to particular states under the gospel.

But secondly; there are some precepts which are not moral, but yet they are perpetual and eternal, and concern every man and woman in the christian pale, according to their proportion; I mean, the precepts concerning the sacraments and other rituals of christianity. In order therefore to these evangelical concerns it is to be noted, that whatsoever concerns every one by the nature of the thing, though it was at first directed personally, yet it is of universal obligation. Thus we understand all christians, that have the use of reason, that is, which are capable of laws, and have capacities to do an act of memory, and symbolical representment, —to be obliged to receive the holy communion; because although the precept of "Do this," and "Drink this," was personally directed to the apostles, yet there is nothing in the nature of the communion that appropriates the rite to ecclesiastics; but the apostle explicates it as obliging all christians, and it was never so understood, and practised accordingly: all are equally concerned in the death of Christ, and therefore in the commemoration of it, and thanksgiving for it. Now thus far is easy. But there are some interests, that pretend some of the words to be proper to ecclesiastics, others common to the whole church. I have already given account of the unreasonableness of the pretension in this chapter.[t] But for the present I shall observe, that there being in this whole institution the greatest simplicity and unity of design that can be, the same form of words, a single sacrament, the same address, no difference in the sanction, no variety or signs of variety in the appendages, in the parallel places, or in any discourse concerning it,—to suppose here a difference, will so intricate this whole affair, that either men may imagine and dream of varieties when they please, and be or not be obliged as they list: or else if there be a difference intended in it by our Lawgiver, it will be as good as none at all, he having left no mark of the distinction, no shadow of different commandments, under several representations. If the apostles were only representatives of the ecclesiastical state when Christ said, "Drink ye all of this," then so they were when Christ said, "This do in remembrance of me:" the consequent is this, that either all are bound to receive the chalice, or none but the clergy are tied to eat the holy bread; for there is no difference in the manner of the commandment; and the precept hath not the head of a man, and the arm of a tree, and the foot of a mountain, but it is univocal, and simple, and proper, and if there be any difference, it must be discovered by some clear light from without; for there is nothing within of difference, and yet without we have nothing but a bold affirmative.

7. (6.) When the universal church does suppose herself bound by any preceptive words, though they were directed to particular persons, yet they are to be understood to be of universal concernment. Now this relies not only upon the stock of proper probability, viz. that such a multitude is the most competent interpreter of the difficulties in every commandment; but there is in the church a public and

[s] Lib. 2. chap. 2. rule 6. num. 65.

[t] Rule 9. num. 7—9.

a holy Spirit, assisting her to guide, and warranting us to follow, the measures of holiness by which she finds herself obliged. For besides that the questions of general practice are sooner understood, as being like corn sown upon the furrow, whereas questions of speculation are like metals in the heart of the earth, hard to be found out, and harder to be drawn forth;—besides this, no interest but that of heaven and the love of God can incline the catholic church to take upon herself the burden of a commandment. If it were to decline a burden, there might be the more suspicion, though the weight of so great authority were sufficient to outweigh any contrary probability; but when she takes upon her the burden, and esteems herself obliged by a commandment given to the apostles or to the Pharisees, or to any single person among them, it is great necessity that enforces her, or great charity that invites her, or great prudence and caution for security that determine her, and therefore she is certainly to be followed. Upon this account we are determined in the foregoing instance; and because the primitive catholic church did suppose herself bound by the words of institution of the chalice in the blessed sacrament, therefore we can safely conclude the apostles to be representatives of the whole church. "Ad bibendum omnes exhortantur, qui volunt habere vitam," saith St. Austin;[u] "All are called upon to drink of the chalice, if they mean to have life eternal."—For "indignum dicit esse Domino, qui aliter mysterium celebrat, quam ab eo traditum est," saith St. Ambrose;[x] "As Christ delivered it to the apostles, so it must be observed by all:" and therefore Durandus[y] affirms that "all who were present, did every day communicate of the cup, because all the apostles did so, our Lord saying, 'Drink ye all of this.'"—For the apostles were representatives, not of the clergy consecrating, (for they did not consecrate but communicate,) but of all that should be present. "Nam quæ Domini sunt, non sunt hujus servi, non alterius, sed omnibus communia," saith St. Chrysostom:[z] "The precept of our Lord belonged not to this servant, nor to another, but to all." Now things that are of this nature, and thus represented, and thus accepted, become laws even by the very acceptation: and as St. Paul said of the gentiles, that "they having not the law, become a law unto themselves;" and our conscience is sometimes, by mere opinion, a strict and a severe lawgiver: when the church accepts any precepts as intended to her, if not directly, yet collaterally and by reflection it passes an obligation; and then it will be scandalous to disagree in manners from the custom and severe sentence of the christians, and to dissent will be of evil report, and therefore at no hand to be done.

8. (7.) When a precept is addressed to particular persons, and yet hath a more full, useful, and illustrious understanding, if extended to the whole church, there it is to be presumed it was so intended; and those particular persons are representatives of the church. St. Austin extends this rule beyond precepts, even to privileges and favours; "Quædam dicuntur, quæ ad apostolum Petrum propriè pertinere videantur; nec tamen habent illustrem intellectum, nisi cum referuntur ad ecclesiam, cujus ille agnoscitur in figurâ gestâsse personam, propter primatum quem in discipulis habuit;" "Some things are spoken which seem to relate particularly to the apostle Peter, but yet they are better understood when they are applied to the whole church."—But this must needs be true in commandments; for where nothing hinders it, the commandment is supposed to be incumbent upon us; and therefore when the commandment is better understood, and hath a more noble and illustrious sense, that is, promotes the interest of any grace remarkably, there the particular address must mean a general obligation.

9. (8.) When any commandment is personally addressed, and yet is enforced with the threatening of death eternal, that commandment is of universal obligation. The reason is, because the covenant of life and death is the same with all men; and God is no respecter of persons, and therefore deals alike with all: and upon this account, the words which our blessed Saviour spake to some few of the Jews upon occasion of the Galilean massacre, and the ruin of the tower of Siloam,—had been a sufficient warning and commandment to all men, though, besides those words, there had been in all the Scriptures of the New Testament no commandment of repentance. "Except ye repent, ye shall all likewise perish,"—does mean, that all the world should repent for the avoiding of the final and severest judgments of God.

10. But this rule is to be understood only in commandments that are not relative to the differing states of men, but are of an absolute and indefinite nature. For where the commandment is relative, and yet personally addressed or represented, there that person is the representative, not of all mankind, but of that whole state and order. Thus when St. Paul said, "There is a necessity laid upon me, and woe is unto me, if I do not preach the gospel," he was a representative of the whole order of the curates of souls. But when he said, "I press forward to the mark of the prize of the high calling,"—and, "if, by any means, I may comprehend,"—here he spake of his own person what is the duty incumbent upon all christians; and he was a representative of the whole church.

11. (9.) When any good action is personally recommended upon the proposition of reward, it does not always signify a universal commandment; but according as it was intended personally, so it signifies universally: that is, if it was a counsel to the person in the first address, it is a counsel to all men in the same circumstances; if it was a commandment to one, it was a commandment to all. Thus when Christ said to the young man in the gospel, "Go and sell what thou hast, and give to the poor, and thou shalt have treasure in heaven;"—here the precept or the counsel is propounded under a promise: but because there is no threatening so much as implied, whether it be a command or no cannot be known from these words, nor from the appendant

[u] In Levit. qu. 57. [x] In 1 Cor. xi. [y] Rationale Divin. lib. 3. cap. 1. [z] In 1 Cor. xi. homil. 24.

condition; because that which is not under command, may be excellently good, and therefore fit to be encouraged and invited forward. But whether it was a precept or a counsel,—that young man, though alone spoken to, was not alone intended, because the thing to which he was invited, is an excellency and a spiritual worthiness in all men, for ever, that can and will receive it.

RULE XVIII.

Evangelical Laws, given to one concerning the Duty of another, do, in that very Relation, concern them both; but in different Degrees.

1. This rule I learn from St. Paul;[a] and it is of good use in cases of conscience relating to some evangelical laws: "Obey them that have the rule over you, and be subject; for they watch for your souls, as they which must give an account: that they may do it with joy, and not with grief; for that is unprofitable for you." Thus a prelate or curate of souls is to take care, that his cure be chaste and charitable, just and temperate, religious and orderly. He is bound that they be so, and they are more bound; but each of them for their proportion: and the people are not only bound to God to be so, but they are bound to their bishop and priest that they be so; and not only God will exact it of them, but their prelate must, and they must give accounts of it to their superior, because he must to his supreme; and if the people will not, they are not only unchaste or intemperate before God and their bishop, but they are disobedient also. It is necessary that infants be baptized: this I shall suppose here, because I have in other places[b] sufficiently (as I suppose) proved it. Upon this supposition, if the inquiry be upon whom the necessity is incumbent, it will be hard to say, "upon infants," because they are not capable of a law, nor of obedience; and yet it is said to be necessary for them. If upon their parents, then certainly it is not necessary to the infants; because if what is necessary be wanting, they for whom it is necessary shall suffer; and therefore it will be impossible that the precept should belong to others, and the punishment or evil in not obeying belong to the children; that is, that the salvation of infants should depend upon the good will or the diligence of any man whatsoever. Therefore, if others be bound, it is necessary that they bring them, but it will not be necessary that they be brought: that is, they who do not bring them, but not they who are not brought, shall suffer punishment. But therefore to answer this case, this rule is useful: it is necessary that the parents or the church should bring them to baptism, and it is necessary that they be baptized; and therefore both are bound, and the thing must not be omitted. The parents are bound at first, and the children, as soon as they can be bound; so that the precept leans upon two shoulders: if the first omit their share in their time, there is no evil consequent but what is upon themselves; but when the children can choose, and can come,—they must supply their parents' omission, and provide for their own proper necessity. It is in this, as in provisions; at first they must be fed by the hand and care of others, and afterwards by their own labour and provisions; but all the way, they are under a necessity and a natural law of being provided for. When St. Paul wrote to Timothy concerning the dispositions required in those persons who were to be bishops, it will not be very easy to say of whom the defect of some of those conditions shall be required. A bishop must be the husband of one wife, that is, he must not marry while his first wife lives, though she be civilly dead, that is, whether divorced, or banished, or otherwise in separation. But what if he be married to two wives at once? Many christians were so at first: many, I say, who were converted from Judaism, and gentilism, and yet were not compelled to put away either. If a bishop be chosen that is a polygamist, who sins? that is, who is obliged by this precept? Is the bishop that ordains him, or the prince or people that chooses him, or the ecclesiastic himself that is so chosen. The answer to this inquiry is by considering the nature of such a law, which the Italians call "il mandato volante," "a flying or ambulatory commandment," in which the duty is divided, and several persons have several parts of the precept incumbent on them. He that chooses and he that ordains him, are bound for their share, to take care that he be canonically capable; but he that is so chosen, is not bound to any thing but what is in his power; that is, he is not obliged to put her away whom he hath legally married, and her whom, without sin, he can lawfully retain: but because that which is without sin, is not always without reproach and obloquy,—and that which may be innocent, may sometimes not be laudable,—and of a clergyman more may be required than of another that is not so;—they who call him to the office are to take care of that, and he which is called is not charged with that. But then though he be not burdened with that which is innocent and at present out of his power, and such a person may be innocently chosen, when they who choose him are not innocent; yet when any thing of the will is ingredient on his part, he must take care of that himself. He may be chosen, but he must not "ambire," not "sue" for it, nor thrust himself upon it; for here begins his obligation: there can be no duty, but what is voluntary and can be chosen; but when a man can choose, he can be obliged. I do not here dispute how far, and in what cases, this law does oblige; for of that I am to give an account in the chapter of the ecclesiastical laws: but the present inquiry is, Who are the persons concerned in the obligation? It was also taken care that a bishop should not be a "novice:" and yet St. Timothy was chosen a bishop at the age of five-and-twenty years; and he was innocent, because it was the act of others, who came off from their obligation upon another

[a] Heb. xiii. 17.

[b] Great Exemp. Disc. of Baptism of Infants: Liberty of Prophesying, sect. 18.

account. But if he had desired it, or by power or faction thrust himself upon the church with that canonical insufficiency, he had prevaricated the canon apostolical: for to so much of it he was bound; but in what he was passive, he was not concerned, but others were.

2. But this is to be limited in two particulars. (1.) In what the clerk is passive, he is not obliged; that is, in such matters and circumstances as are extrinsical to his office, and matter of ornament and decency. Thus if he have been married to an infamous woman which he cannot now help; if he be young, which he cannot at all help, but it will help itself in time; if he have an evil and an unpleasant countenance, if he be deformed; for in these things and things of like nature, the choosers and ordainers are concerned; but the clerk may suffer himself to be chosen, the law notwithstanding. But if the canonical impediment be such as hinders him from doing of his future day, there he may not suffer himself to be chosen; and if he be, he must refuse it. The reason of the difference is plain: because the electors and ordainers are concerned but till the election is past; but the elected is concerned for ever after: therefore although there may be many worthinesses in the person to be chosen to outweigh the external insufficiency and incapacity, and if there be not, the electors are concerned, because it is their office and their act, and they can hinder it, and therefore they only are charged there; yet for ever after the elected is burdened, and if he cannot do his duty, he is a sinner all the way;—he is a wolf to the revenue, and a butcher to the flock.

3. (2.) Though, in matters of decency and ornament, the person to be chosen is not so obliged but that he may suffer himself to be chosen if he be otherwise capable, because those things, which are not in his power, are not in his duty, yet even for these things he also is obliged afterwards; and he is bound not to do that afterwards, which if it was done before, others were obliged not to choose him. If a person was divorced before and married again, he may accept of a bishopric; but if he do so afterwards, he is guilty of the breach of the commandment; for he must not go back to that door where he might not enter, but then he is wholly obliged; he alone, because then it is his own act, and he alone can hinder it. I say he must not go back.

4. But if he be thrust back to that door, where if he had stood at first, he ought not to have been let in; he is no more obliged at last than at first: he that "does not govern his house well, and hath not his children in subjection," may not, by the apostle's rule, be chosen; but when he is a bishop, and falls into the calamity of having evil and rebellious children, this is no impediment to his office directly, and does not so much as indirectly pass upon him any irregularity.

5. But then as to the rule itself, this instance is fit to explicate it. For parents are tied to rule their children, masters to govern their servants; but children are also obliged to be governable, and servants must be obedient. For in relative duties every man must bear his own burden, and observe his own share of the commandment.

[c] De Virgin. Veland.

RULE XIX.

Custom is no sufficient Interpreter of the Laws of Jesus Christ.

1. TRUTH and the Divine commandments need no prescription, but have an intrinsic warrant, and a perpetual abode; but that which is warranted by custom, hath but an accidental obligation, and is of human authority. The laws of Christ are, or ought to be, the parents of custom; but custom cannot introduce a Divine law or obligation: our customs ought to be according to Christ's commandment: but from our customs we cannot conclude or infer that this is the will or command of Christ. This rule is Tertullian's.[c] "Veritati nemo præscribere potest, non spatium temporum, non patrocinia personarum, non privilegium regionum. Ex his enim fere consuetudo initium ab aliquâ ignorantiâ vel simplicitate sortita, in usum per successionem corroborata; et ita adversus veritatem vindicatur. Sed Dominus noster Christus 'veritatem' se, non 'consuetudinem,' cognominavit. Quodcunque adversus veritatem sapit, hoc erit hæresis, etiam vetus consuetudo:" "No man can prescribe to truth, that is, to any proposition or commandment evangelical. For customs most commonly begin from ignorance or weakness, and in time get strength by use, till it prevail against right. But our Lord Christ does not call himself 'custom,' but 'truth.' Whatsoever is against truth, though it be an old custom, is heresy, notwithstanding its long continuance."

2. The purpose of this rule is not to bar custom from being of use in the exposition of the sense of a law or doctrine. For when it is certain that Christ gave the law, and it is uncertain what sense was intended to the law, custom is very useful in the interpretation; that is, the customs of the first and best ages of the church: and then the longer the custom did ascend, still we have the more confidence, because we have all the wise and good men of so many ages concurring in the interpretation and understanding of the law. Thus the apostle gave the church a canon, "that we should in all things give thanks:" the custom of the ancient church did in pursuance of this rule say a short prayer, and give thanks at the lighting up of candles. The history of it I have from St. Basil:[d] "Visum est patribus nostris beneficium vespertini luminis non silentio suscipere, sed statim, ut apparuit, gratias agere;" "They said grace for their light as well as for their meat."—This custom was good; for it was but the particular instance of a general duty:

3. But then custom is to be allowed but as one topic, not as all: it is the best argument, when we have no better; but it is the most inartificial of all arguments; and a competent reason to the contrary is much to be preferred before a great and long prescribing custom. Both these propositions are

[d] Cap. 29. de Spir. S.

severally affirmed by the fathers of the church. The first by St. Austin in his epistle to Casulanus. "In his rebus, de quibus nihil certi statuit Divina Scriptura, nobis populi Dei et olim justi, statuta majorum pro lege tenenda sunt: et sicut prævaricatores legum divinarum, ita contemptores consuetudinum ecclesiasticarum coercendi sunt." The holy catholic church is certainly guided by the Spirit of God, and therefore where the question is concerning any thing that is not clear in Scripture, the customs of the catholic church are not to be despised; for it is to be presumed, (where the contrary is not proved,) that she piously endeavours, and therefore is graciously assisted in the understanding of the will and commandments of her Lord: and in this sense, custom is the best interpreter, because there is no better, and no clearer light shining from any angel.

4. Custom can thus, in cases of destitution of other topics, declare the meaning of a law; but custom of itself cannot be the interpreter of the will of Christ, or a sufficient warrant of a law, or immediately bind the conscience, as if it were a signification of the Divine pleasure; much less ought it to be opposed to any words of Scripture or right reason, and proper arguments derived from thence. And that is the other thing which, I also said, is taught us by the fathers of the church. So St. Cyprian:[e] "Frustra quidam, qui ratione vincuntur, consuetudinem nobis opponunt, quasi consuetudo major sit veritate, aut non fuerit in spiritualibus sequendum, si melius fuerit à S. Spiritu revelatum;" "In vain is custom opposed to reason, as if it were greater than truth: not custom, but that which is best, is to be followed by spiritual persons, if any thing better than custom be revealed by the Spirit of God."

5. All good customs are good warranties and encouragements; but whether they be good or no is to be examined and proved by the rule and by the commandment: and therefore the custom itself is but an ill indication of the commandment; from whence itself is marked for good, or else is to be rejected as reprobate and good for nothing. "Consuetudo auctoritati cedat: pravum usum lex et ratio vincat: cum vero nec sacris canonibus nec humanis legibus consuetudo obviare monstratur, inconcussa servanda est," said Isidore;[f] "Let custom yield to authority, to law, and to reason; but when it agrees with the laws of God and of man, let it be kept inviolate."

6. When custom is consonant to some other instrument of probation, when it is apparently pious, and reasonable, and of the analogy of faith, it is an excellent corroborative and defensative of truth, and warrant to the conscience; but when it stands alone, or hath an ill aspect upon other more reasonable and effective ways of persuasion, it is very suspicious and very dangerous, and is commonly a very ill sign of an ill cause, or of corrupted manners. Cedrenus[g] tells that "the patriarch Abraham was wont to say, that there is great difference between truth and custom; that being very hard to be found, this, whether good or bad, being obvious to every eye; and which is worse, by following custom a man gets no comfort if it be in the right, and no great shame if it be in the wrong, because he relies not upon his own reason, but the judgment of old men that lived long ago, who whether they judged wisely or foolishly must appear by some other way: but this he will find, that it will be very hard to leave it, though it be never so foolish and ridiculous."

7. Of what obligation in matters of practice, and of what persuasion in the inquiries of truth, ecclesiastical customs are to be esteemed, I shall afterwards discourse when I treat of ecclesiastical laws; but that which I would persuade for the present is, that the customs and usages of the world are but an ill commentary on the commandments of our blessed Lord.

8. (1.) Because evil is crept into most of the manners of men; and then a custom is most likely to transmit her authority to that which ought to be destroyed. "Inter causas malorum nostrorum, quod vivimus ad exempla, nec ratione componimur, sed consuetudine abducimur. Quod si pauci facerent, nolumus imitari: quum plures facere cœperunt, quasi honestius sit quia frequentius, sequimur, et recti apud nos locum tenet error, ubi publicus factus est:" so Seneca[h] complained: "It is one great cause of our mischiefs, that we are not led by truth, but led away by custom; as if a thing were the honester because it is frequent; and error becomes truth when it is common and public." Excellent therefore was that saying of Pope Nicolas I.: "Parvus numerus non obest, ubi pietas abundat: magnus non prodest, ubi impietas regnat;" "If right and religion be on our side, the smallness of our company is nothing: but a multitude cannot justify impiety."

9. (2.) Custom in moral practices becomes law to men by pressing upon their modesty, and by outfacing truth and piety; so that unless the custom have warranty from the law, it hath the same effect against a law as for it: and therefore in such cases is at no hand to be trusted, but at every hand to be suspected, lest it make it necessary that men become vicious. The customs of the German and neighbour nations so expound the laws of Christ concerning temperance, that if by their measures it be defined, it looks so like intemperance, as milk to milk; and the common customs of the world expound all the laws of the blessed Jesus so as to be truly obligatory at no time but in the danger or in the article of death: but certainly it is but an ill gloss, that evacuates all the holy purposes of the commandment; and at the day of judgment, when we shall see numberless numbers of the damned hurried to their sad sufferings, it will be but an ill apology to say, "I did as all the world almost besides me, by whose customs I understood the laws of the gospel to a sense of ease and gentleness, and not by the severity of a few morose preachers." Poggius tells of a Neapolitan shepherd, that against Easter going to confession, he told his confessor, with a tender conscience and great sorrow of heart, that he had broken the holy fast of Lent, by chance indeed, but yet with some little pleasure; for when he was pressing of a new cheese, some of the whey started from

[e] Ad Jubaian. [f] In Synonymis, lib. 2. [g] Hist. Compend. ferè in initio, pag. 35. [h] Epist. 58.

the vessel and leaped into his mouth, and so went into his stomach. The priest smiling a little at the fantastic conscience of the man, asked him if he was guilty of nothing else. The shepherd saying he knew of nothing else that did or ought to trouble him; his confessor, knowing the customs of those people upon the mountains of Naples, asked him if he had never robbed or killed any strangers passengers. "O yes," replied the shepherd, "I have often been at that employment; but that we do every day, and always did so, and I hope that is no sin:"—but the cheese, the forbidden cheese, stuck in his stomach, because every one did abominate such meat upon fasting-days: only the custom of killing and stealing had hardened his heart and forehead till it was not perceived.

———dedit contagio labem
Et dabit in plures; sicut grex totus in agris
Unius scabie cadit et porrigine porci,
Uvaque conspecta livorem ducit ab uvâ. JUV. Sat. 2.

10. Evil manners begin from one evil man, or from one weak or vicious principle, and pass on to custom, and then to be virtuous is singularity, and is full of envy; and concerning the customs of the world it is ten to one if there be not some foulness in them. The advice therefore of St. Cyprian[l] is a good compendium of this inquiry: "Consuetudo, quæ apud quosdam irrepserat, impedire non debet, quo minus veritas prævaleat et vincat; nam consuetudo sine veritate vetustas erroris est: propter quod, relicto errore, sequamur veritatem; scientes, quod veritas vincit, veritas valet et invalescit in æternum, et vivet et obtinet in secula seculorum:" "Custom ought not to prevail against any truth; but truth, which is eternal, will live and prevail for ever and ever. Custom without truth is but a prescription of falsehood and irregularity."

Question.

11. Upon occasion of this argument it is seasonable, and of itself a very useful inquiry, Whether the customs of Jews and gentiles, or indefinitely of many nations, be a just presumption that the thing so practised is agreeable to the law of nature, or is any ways to be supposed to be consonant to the will of God.

Answer.

12. To this, some of evidence in the church of Rome answer affirmatively; and are so far from blushing, that many of their rites are derived from the customs of heathens, that they own it as a thing reasonable, and prudent, and pious, according to the doctrine and practice of Gregory surnamed Thaumaturgus,—who, as St. Gregory[k] Nyssen reports, that he might allure the common people to the love of christianity, gave way that those dances and solemn sports, which they celebrated to the honour of their gods, should be still retained, but diverted to the honour of the saints departed: and Baronius[l] supposes it to be no other than as the Israelites taking of the silver and brass from the Egyptians, and employing it in the service of the tabernacle. And in particular, the custom of burning candles to the honour of the Virgin Mary he imputes to the same principle, and owns it to be of heathenish extraction. The same also is in divers other instances avowed by Polydore Virgil;[m] by Fauchet[n] in his books of Antiquities of France; by Du Choul,[o] Blondus,[p] and Bellarmine,[q] who bring this as an argument for the doctrine of purgatory, because the Jews, the Turks, and the heathens, did believe something of it; it being very likely, that what almost all nations consent in, derives from the natural light of reason which is common to all men: and upon this very thing Cardinal Perron[r] boasts in the behalf of the service in an unknown tongue; that not only the Greeks, and many other christian churches, but even all religions, the Persians and the Turks, use it.

This pretence therefore is fit to be considered.

13. (1.) Therefore I answer, that it is true that the primitive church did sometimes retain some ceremonies, which the heathens used; but they were such ceremonies which had no relation to doctrine, but might be made apt for order and decent ministries external. Such were the garments of the priests, lights, girdles, fasts, vigils, processions, postures, festivals, and the like: and they did it for good reason and with good effect; that the people, who were most of all amused with exterior usages, finding many of their own customs adopted into christianity, might with less prejudice attend to the doctrines of that persuasion, which so readily complied in their common ceremonies. This did well enough at first, and was a prudent imitation of the practice of our great Master, who, that the Jews might the easier pass under his discipline and institution, made the passages as short, and the difference as little, as could be. For since he would retain but two external ministries in his whole institution, he took those rites to which the Jews had been accustomed; only he made their baptisms sacramental, and effective of great purposes, and some of the paschal rites he consecrated into the highest mystery; retaining apparent footsteps, or rather bodies, of their government and discipline ecclesiastical. And this proceeding we find owned and justified by St. Austin against Faustus the Manichee, and St. Jerome against Vigilantius, and Ephraim Syrus of old; and of later times by Alcuinus,[s] Amalarius,[t] and by Gratian:[u] and who please to see it more largely pleaded for, may read Mutius Pansa's "Osculum Christianæ et Ethnicæ Philosophiæ," and Nicolaus Mont-Georgius "de Mosaico Jure Enucleando:" and that it may be reasonable from the services of such men, from whom we justly abhor to borrow some usages, is excellently discoursed of by Mr. Hooker, in his fourth book of "Ecclesiastical Polity."

[j] Ad Pompei. [k] Orat. de Vitâ St. Grego. Thaum.
[l] Annal. A. D. 44. sect. 88. et A. D. 58. sect 76, 77. et in Martyrol. Febr.
[m] De Inventor. Rerum. lib. 5. cap. 2.
[n] Lib. 2. cap. 9. et lib. 5. de Origin. Dignit. Gall. cap. 17.
[o] Lib. de Religione Romanorum, in fine.
[p] In lib. 1. et 2. de Româ Triumphante.
[q] Lib. 1. de Purgatorio, cap. 7. sect. Tertia Ratio.
[r] Adv. Regem Jacobum in Prima Instantia, cap. 1.
[s] De Divin. Offic. [t] De Offic. Eccles.
[u] De Consecrat.

14. But however this might fit the necessities and circumstances of the infant ages of the church, yet they ought not to be done easily, but ever with very great caution. For though it served a present turn, yet it made christian religion less simple and less pure; but by becoming a miscellany it became worse and worse. It was or might be at the first a "complying with the infirmities of the weak," a pursuance of St. Paul's advice so to do; but when these weak persons are sufficiently instructed in the religion, and that to dissent is not infirmity, but peevishness and pride, or wilfulness, all compliance and condescension are no longer charity, but give confidence to their error. For when the reasonable discourses of the religion will not satisfy the supposed weak brother, he that complies with him, confesses his the better way, and when learned men follow the ignorant to superstition, they will no longer call it compliance and condescension, but duty and necessity and approbation. A good man will go a little out of his road to reduce the wandering traveller; but if he will not return, it will be an unreasonable compliance to go along with him to the end of his wandering. And where there is any such danger, (as in most cases it is,) we have the example of God himself, and his commandment[x] expressly given to the children of Israel, that they should abstain from all communion with the gentiles, their neighbours, even in things indifferent; and that they should destroy the very monuments and rituals, and the very materials, of their religion, lest, by such a little compliance, they be too far tempted. And thus also they did sometime in the primitive church; for Tertullian,[y] because the gentiles used in the services of their idols to sit down immediately after they had prayed, would not have the christians do so though the ceremony of itself was wholly indifferent. And when many christian churches had taken some gentile ceremonies into their Christmas solemnity, being occasioned by the circumcision of Christ falling on the calends of January, or the new-year's day, they were not only forbidden in the council of Auxerre,[z] but the church did particularly appoint private litanies, processions, and austerities, to be used for three days with the twelve of Christmas, "ad calcandam gentilium consuetudinem," "to destroy and countermine the superstitious customs of the heathen," which, by the compliance and fondness of some christians, had dishonoured the excellency and innocency of the Christmas festivity; as we find noted by the fathers of the synod[a] of Turi. Sometimes there had been reason to retain these things: but when, in the days of persecution, some weak-hearted christians did shelter themselves under the cover of such symbolical ceremonies, and escaped the confession of christianity by doing some things of like custom, or when the folly and levity of christianity, by these instruments, passed on to vanity or superstition,—then the church with care did forbid the retaining of heathenish customs, which had been innocent but for such accidents. In these things the church may lose her liberty, so that "all things be done to edification."

15. (2.) But if the customs and rites be such, as are founded upon any point of doctrine, whatsoever it be that derives from pagan customs, must also be imputed to their doctrines; and then to follow their customs, will be also to mingle the religions, to blend light and darkness, and to join Christ with Belial. It had been a material objection which Faustus the Manichee made against the catholics, that they did remove the worship from idols, and give it to saints and martyrs. St. Austin, who was to answer the objection, could not justify, but did deny the fact as to that instance and some few others; for the custom of the nations in such cases, was no argument, but an objection. From these premises, it will appear to be but a weak pretence to say, that "if many nations and religions agree in such a ceremony, or such an opinion, it will be supposed to come from the light of nature." For there are not many propositions, in all which nature can teach; and we should know but a very few things, if we did not go to school to God, to tutors, to experience, and to necessity. This pretence would not only establish purgatory, but the worship of images, and the multitude of gods and idolatrical services, and very many superstitions, and trifling observances, and confidences in dreams, and the sacrifice of beasts, and many things more than can well become or combine with christianity. When not only some nations, but all, agree in a proposition, it is a good corroborative, a good second to our persuasions, but not a principal; it gives advantage, but not establishment; ornament, but not foundation to a truth; which thing if it had been better observed by the christians, who from the schools of Plato, Chrysippus, Aristotle, and Epicurus, came into the schools of Christ, or from the temples of Jupiter and Apollo into the services of the church, christianity had been more pure and unmingled than at this day we find it. The ceremony of sprinkling holy water was a heathenish rite, used in the sanctifications and lustrations of the Capitol, as Alexander ab Alexandro relates; but because this is not a ceremony of order or circumstance, but pretends to some real effect, and derives not from Christ or his apostles, but from the gentiles, and relies upon the doctrine of the effect of such ceremonies, it is not justifiable. Burning candles by dead bodies was innocent and useful to them, that attended in the vigils before interment; but when they took this from the custom of the heathens, who thought those lights useful to the departed souls, they gave a demonstration by the event of things that they did not do well: for the christians also derived a superstitious opinion along with the ceremony, and began to think that those lights did entertain the souls in those cemeteries: and this produced the decree of the council of Eliberis,[b] that wax-candles should not be burnt in the day-time, "lest the spirits of the dead be disturbed." Now when any false principle is in the entry of the ceremony, or attends

[x] Deut. vii. 5. xii. 4. [y] De Orat. cap. 12.
[z] Concil. Antisiodor. cap. 1.
[a] Concil. Turon. 2. can. 13. [b] Can. 34.

upon it, or any superstition be in the progress or in the end of it, any scandal, or any danger,—such customs are not at all to be followed, such rituals are not to be imitated or transcribed: that is, no custom is a warranty for any evil.

RULE XX.

The Measure of Perfection and Obedience expected of Christians is greater than that of the Jews, even in moral Duties common to them and us.

1. It matters not, whether Christ's law have in it more precepts than were in the law of Moses: our work is set before us, and we are not concerned how much they had to do; and in most of the instances which are, or are said to be, new commandments, it may also be said of them as it was by the apostle concerning charity, "This is a new commandment," and "This is an old commandment;" there being, at least in most instances, an obligation upon them to do what was of itself good and perfective of human nature, and an imitation of the eternal law of God, a conformity to the Divine perfections. This is true as to the material part: but then because that which was an old commandment, is also made a new commandment, and established upon better promises, and endeared by new instances of an infinite love; and we ourselves are enabled by many more excellent graces, and the promise of the Holy Spirit is made to all that ask him; it is infinitely reasonable to think, that because this new commandment superadds nothing new in the matter, it must introduce something new at least in the manner, or measure of our obedience.

2. They and we are both of us to pray; but we are commanded to pray "fervently," frequently, "continually." They were to be charitable, and so are we: but they were tied to be so to their friends and to their neighbours, but we to our enemies; and though in some instances, they were tied to be so, yet we are bound in more; more men are our neighbours, and more are our brethren, and more is our duty. They were to do them no hurt; but we must do them good. They were to forgive upon submission and repentance; but we must invite them to repentance, and we must offer pardon. They were to give bread to their needy brother; but we are in some cases to give him our lives. They were to love God "with all their soul and with all their strength:" and though we cannot do more than this, yet we can do more than they did; for our strengths are more, our understandings are better instructed, our shield is stronger, and our breastplate broader, and our armour of righteousness is of more proof than theirs was. Dares and Entellus did both contend with all their strength; but because Entellus had much more than the other, he was the better champion.

3. (1.) This rule does principally concern christian churches and communities of men: that their laws be more holy; that the condition of the subjects be more tolerable; that wars be not so easily commenced; that they be with more gentleness acted; that the laws of Christ be enforced; that malefactors be not permitted; that vice be more discouraged; that nothing dishonourable to religion be permitted; that the kingdom of Christ in all capacities be advanced, that his ministers be honoured and maintained according to the excellency of the present ministry and the relation to Christ's priesthood; that the public and honorary monuments of it be preserved, and virtue properly encouraged; and great public care taken for the advantageous ministry of souls, which are the proper purchase of our Redeemer, that in all things Christ may be honoured by us more than Moses was by them, and that God, through Jesus Christ, be more glorified than he was in the Levitical government.

4. (2.) This also concerns single persons; that they certainly abstain from all those imperfections of duty which were either permitted in the law, or introduced by the commentaries of their doctors, or inferred by the general declination of their first piety, and the corruption of manners. The Jews would not take usury of a needy Jew, but of a needy stranger they would: but we must consider them with a more equal eye; we must be charitable to all: for to a christian no man, that needs and asks him, is a stranger. The Jews had great liberty of divorces indulged to them; a christian hath not the same: but in that in which he is permitted, he is not to be too forward.

5. (3.) In matters of duty, a christian is to expound his obligation to the advantage of piety, to security of obedience, to the ease of his brother, and the pressing upon himself: that whatever be the event of his temporal affairs, he secure his spiritual interest, and secure justice though to the loss of his money, and in all doubts determine for duty rather than for interest; the Jews went not beyond the letter of the commandment.

6. (4.) In the interior acts of virtue, a christian is to be more zealous, forward, operative, and busy, frequent and fervent: he must converse with God by a more renewed intercourse, give himself no limits, always striving to go forward, designing to himself no measure but infinite in the imitation of the perfections of God, and the excellencies of his most holy Son.

7. (5.) In the exterior acts of virtue, christians must, according to their proportion, be ashamed to be outdone by Jews, not only in what they did in obedience, but also in what they, in good and prudent zeal for the law of Moses, did expend or act: I say, what they did act in good and prudent zeal for their law. That they adorned their temple, freely gave contributions for its support and ornament, loved all of their persuasion, endeavoured to get proselytes; and therefore are in these things not only to be imitated, but to be outdone, because all this was a prudent and zealous prosecution of their duty. But when, in zeal, they did not only love their own sect, but hate, and persecute, and were uncivil to all of another persuasion,—this was zeal indeed; but it was folly too, and a work of the

flesh, and therefore not to be imitated by christians, who are the servants of the Spirit.

8. (6.) Where christians are left to their liberty in those instances in which the Jews were bound, christians ought freely to do as much as they did by constraint and by necessity: for then properly we do more than they, when we voluntarily choose what was imposed on them: it is not more work, but it is more love. Thus the Jews were bound to pay tithes to the Levites: we are commanded to maintain them honourably: but because tithes is not in the commandment to us, we ought to supply the want of a command by the abundance of love; and in this there is no abatement to be made, but by what did concern the nation in some special relation, necessity, or propriety. God was pleased to make the more ample provision for the tribe of Levi, because they had no inheritance amongst their brethren; they had no portion in the division of the land. Now because the christian clergy had a capacity of lands and other provisions, there is not all the same reason in the quantity of their appartiment as was in the assignation of the Levitical portion. Now when any such thing can intervene and enter into consideration, it must be allowed for in the proportions of increase, which are demanded of the christian. The Jews gave great contribution to the temple; but it was but one; and therefore it is not to be expected, that every christian church in such a multitude should be adorned and rich like the temple of Jerusalem.

9. (7.) Where the Jews and christians are equally left to their liberty, it is infinitely reasonable and agreeable to the excellency of the religion, that christians should exceed the Jews. Thus we find, that at the erecting of the tabernacle, the Jews brought silver and gold and other materials, till they had too much, and the people were commanded to cease and bring no more. Now when an occasion as great in itself, and more proportionable to the religion, calls upon us for an offering and voluntary contribution, if the instance be in a matter as proportionable to the gospel as that was to the law of Moses, the excellency of the religion and the dignity of the work and the degree of our grace and love, require of us to be more ready and more liberal in equal proportions.

10. (8.) In those graces, which are proper to the gospel, that is, such which are the peculiar of christians, literally and plainly exacted of us, and but obscurely insinuated, or collaterally and by the consequence of something else required of them, it cannot be but that the obedience which we owe, should be more ready, the actions more frequent, the degrees more intense; because every advantage in the commandment hath no other end but to be an advance of our duty; and what was obscurely commanded, can be but dully paid; while the christian's duty must be brisk, and potent, and voluntary, and early, and forward, and intense, in proportion to greater mercies received, to a better law, to a more determined conscience, to a clearer revelation, to more terrible threatenings, and to the better promises of the gospel: all which are so many conjugations of aid, and instances of a mighty grace. And therefore christians are to be more humble, more patient, more charitable, more bountiful, greater despisers of the world, greater lords over all their passions, than the Jews were obliged to be by the consequences of their law.

11. (9.) When this comes to be reduced to practice in any particular inquiry of conscience, every christian is not to measure his actions by proportion to the best, and the rare persons under the Mosaic law, in their best and heroic actions. For who can do more than David did, after he had procured the waters of Bethlehem to cool his intolerable thirst, but to deny his appetite, and refuse to drink the price of blood? who can do more than he did, and would have done, towards the building of the temple? who can give better testimony of duty to his prince than he did to Saul? who can with more valour and confidence fight the battles of the Lord? who can with more care provide for the service of God, and the beauty and orderly ministries of the tabernacle? who can with more devotion compose and sing hymns to the honour of God? in these and such as these David was exemplary; and so was Moses for meekness, and Job for patience, and Manasses for repentance, and Abraham for faith, and Jacob for simplicity and ingenuity, and Enoch for devotion: these, in their several periods, before and under the law, were the great lights of their ages, and set in imminent places to invite forward the remiss piety of others, alluring them by the beauty of their flames to walk in their light and by their example. And it is well, if christians would do as well as these rare personages in their several instances. But as some women are wiser than some men, and yet men are the more understanding sex, and have the prerogative of reason and of government; so though some persons of the old religions were better than many of the new, (of the religion of Jesus Christ,) yet the advantage and the increase must be in the christian church, which must produce some persons as exemplary in many graces as any of these hath been in any one.

12. (10.) But then as to single persons; 1. Every man must observe those increases of duty, which our blessed Saviour, either by way of new sanction, or new interpretation, superadded to the old, in the sermon upon the mount.

2. Every man must do in proportion to all the aids of the Spirit, which the gospel ministers, all that he can do: which proportion if he observes, it will, of itself, amount to more than the usual rate of Moses's law, because he hath more aids.

3. He must be infinitely removed from those sins to which they were propense, and which made God to remove them out of his sight; such as were idolatry, the admitting of strange gods, infidelity, obstinacy, hypocrisy, and sensual low appetites: because these were the crimes of an ignorant, uninstructed people in respect of what the christian is; and for a christian to be an idolater, or easily divorced, or incredulous, as they were, is therefore the more intolerable, because it is almost removed from his possibilities; he can scarce be tempted to such things, who knows any thing of the doctrine of the gospel.

4. There is no other positive measures of his duty, but that which can have no measure itself, and that is love; and a christian must therefore exceed the righteousness of the subjects of Moses's law, because they must do all their works in faith and love; in faith, to make them accepted, though they be imperfect; in love, to make them as perfect as they can be. Now he that loves, will think every thing too little: and he that thinks so, will endeavour to do more, and to do it better: and christians, —that have greater experience of God, and understand the nature of charity, and do all of them, explicitly and articulately, long after the glories of an eternal love, and know that all increase of grace is a proceeding towards glory,—need no other argument to enforce the duty, and no other measure to describe the duty of this rule, but to reflect upon the state of his religion, the commandments, the endearments, the aids, the example, the means: all which are well summed up by St. John:[c] "Beloved, we are the sons of God, and it does not yet appear what we shall be; but we know, that when he shall appear, we shall be like him; for we shall see him as he is: and every man that hath this hope, purifieth himself as God is pure:"—that is, we are, for the present, children of God by adoption, sealed with his Spirit, renewed by regeneration, justified by his grace, and invited forward by most glorious promises, greater than we can understand. Now he that considers this state of things, and hopes for that state of blessings, will proceed in duty and love towards the perfections of God, never giving over till he partake of the purities of God and his utmost glories.

I add no more but this, that, in the measures of the practice of this rule, there is no difficulty, but what is made by the careless lives of christians and their lazy and unholy principles. At the rate as christians usually do live, it is hard to know how, and in what instances, and in what degrees, our obedience ought to be more humble and more diligent than that of Moses's disciples. But they that love, will do the thing, and so understand the rule. "Obedite, et intelligetis;" "Obey, and ye shall understand."

Concerning the interpretation of the laws of the most holy Jesus, I know of no other material consideration here to be inserted. Only there are several pretences of exterior, accidental means of understanding the laws of Christ, which because they are derived from the authority or from the discourses of men, they are more properly to be considered in the rules concerning human laws,—which is the subject of the next book, where the reader may expect them.

OF HUMAN LAWS,

THEIR

OBLIGATION AND RELAXATION:

AND OF THE

COLLATERAL, INDIRECT, AND ACCIDENTAL BANDS OF CONSCIENCE.

BOOK III.

CHAPTER I.

OF HUMAN LAWS IN GENERAL; AND WHAT OBLIGATION THEY PASS UPON THE CONSCIENCE.

RULE I.

The Conscience is properly and directly, actively and passively, under Pains of Sin and Punishment, obliged to obey the Laws of Men.

1. THAT the laws of God and man are the great measures of right and wrong, of good and evil, of that which is to be followed, and what is to be avoided in manners of men, and the intercourses of societies,—is infinitely certain and universally confessed. Since therefore human laws are one moiety of the rule and measure of conscience, and that we are bound to obey our lawful superiors in what they command,—it is naturally consequent to this, that we acknowledge the conscience bound,—and that, in human laws as well as in Divine, though according to their several proportions, the conscience ought to

[c] 1 John iii. 2, 3.

be instructed. And indeed there is more need of preachers in the matter of Divine laws, and more need of wise and prudent guides in the matter of human laws. For the laws of God are wiser and plainer, few and lasting, general and natural, perceived by necessity, and understood by the easiest notices of things; and therefore men have more need to be called upon to obey, than taught how; and therefore here the preacher's office is most necessary and most required. But human laws are sometimes intricate by weakness, sometimes by design, sometimes by an unavoidable necessity: they are contingent, and removed far from the experiences of most men; they are many and particular, difficult and transient, various in their provisions, and alterable by many parts and many ways: and yet because the conscience is all the way obliged, she hath greater need of being conducted than in the other, where every wise man can better be a guide in the little intrigues, and every child can walk in the plain way.

2. But our first inquiry is, Whether the conscience be obliged or no. For if conscience be not, then nothing is concerned but prudence, and care that a man be safe from the rods and axes: but then the world would quickly find, that fear would be but a weak defence to her laws; which force, or wit, or custom, or riches, would so much enervate, or so often evacuate. And therefore the greatest case of conscience in this whole matter is, "Whether it be a matter of conscience as well as of prudence and security, to obey the laws of man."—And this question is so dubious and unresolved, that Cajetan and Henricus de Gandavo did suppose it fit to be determined by the pope "in cathedrâ," as thinking it otherwise to be indeterminable. The reasons of doubting are these:

3. (1.) Because God only is Lord of consciences, he only can discern the secret that is there, and he only can punish there; and therefore to suppose any band upon conscience from human laws, would be to divest God of his royalty: none but he who is Καρδιογνώστης, "the Searcher of the heart" and mind of man, can give laws to it; for none else can take cognizance, or give a compulsory.

4. (2.) The conscience is seated in the understanding, as I have already [a] proved: but that is an imperious faculty that acknowledges no superior but God; because he only being infallible, he only can instruct and inform it rightly, none else can have power over it. For the understanding hath a proper way of being ruled. The will is ruled by empire, but the understanding by doctrine; that is governed by command, this by argument; the will by power, the understanding by truth: now because God only is truth, and every man a liar, God only can rule the understanding, which is the court of conscience.

5. (3.) To submit the conscience to any law or power of man, is to betray our christian liberty: for Christ having set us free from all the bondage even of that law, which God himself made and gave to Moses,—he having alleviated the burden of rites and ceremonies, and left the Jews at liberty to be governed as they pleased themselves, would not take off the laws of God to impose upon us the laws of men; and there is no such thing as christian liberty, but a freedom from the law of Moses, and the law of carnal ordinances, and the laws of men: for that which the preachers speak of, a liberty from sin, and from hell, and the grave,—1. This is rather a deliverance than a liberty, a rescue from an evil of another nature, not a state of freedom and ease. 2. As many men have ordered their theology, we are so far from having a liberty from sin, that they have left us nothing else but a liberty to sin; and indeed we have no liberty or freedom from sin as long as we are alive, but we are always in war and contention, which is worse than death; and so many men are always captive under sin, and all men do so often obey it, (and "his servants we are, to whom we do obey,") that we have little reason to boast of christian liberty in that sense. 3. St. Paul using the word "liberty," and speaking of the advantages of christians in this, instances it only in being freed from those ordinances of Moses, and the impositions, which some philosophers or some sects of men would bring upon the conscience. 4. Liberty from sin, or christian liberty, in this sense, is nothing but a tropical expression, a metaphor and similitude; and therefore is not that real privilege, by which we were materially advantaged upon the publication of the gospel of Christ. The result of which considerations is, that all christians are free men, servants of Christ, and of none else, it being an express commandment, and that strengthened with a reason, "Ye are bought with a price, be ye not the servants of men;" [b] which at least must be understood of conscience, and the mind of men.

6. (4.) For granting it to be lawful for men to make laws, yet that these laws cannot bind the conscience, it appears plainly in this; that whatever laws of the church are made concerning any rite or ceremony, let it be never so necessary or fitting that they be obeyed, yet the things do not become intrinsically necessary, and therefore are not to be thought so,—lest, expressly against the commandment of our blessed Saviour, we "teach for doctrines the commandments of men." To keep holidays may be very good, so that we observe them to the Lord: but he that thinks it necessary and a direct duty, wrongs his own conscience: which demonstrates that conscience is free, when every thing else is bound. You may fast when you are commanded by your superior, but you must not think that fasting is a part of the Divine service: that is, though man commands fasting, yet God does not; and then if man of himself does bind the conscience, he hath a power equal to God, and can make Divine commandment: but if a man cannot do so, then the conscience is free, and not tied by human laws.

7. (5.) If human laws do bind the conscience, then it is put into the power of man to save or damn his brother; not directly, but upon the consequence of his obedience or disobedience, which is all that is done by the laws of God; and men shall have power to make more ways to the devil, to make the strait way to heaven yet straiter, and the

[a] Lib. 1. rule 1.

[b] 1 Cor. vii. 23.

way to hell, which is already broad enough, yet wider and more receptive of miserable and perishing souls.

8. (6.) Christ is the author and finisher of our faith, and so of every grace: that is, he only can give it, and he only can take it away. Since therefore that which makes a sin, destroys the grace, no human authority can make an action to be a sin; because no human power can dispose of grace or take it away.

9. (7.) In the instance of civil power and civil laws the case is more certain, for this reason; because the civil power cannot remit sins, therefore neither can they bind to sin: and from hence it will follow, that supposing ecclesiastical laws do bind the conscience, yet the civil cannot. But then as for the ecclesiastical power and laws, they also are as invalid upon another account,—because the church, having no external compulsory, can only bind in those things where God hath already bound; and therefore can make no laws of our own, but what are already made by a higher power, and consequently cannot bind to sin, but there where the conscience is already bound by God. And if the church should inflict her censures for any thing, that were not of itself a sin against God,—as for not paying the fees of the spiritual court, for a poor man's working for his living upon a holy day, the world would cry out of her; which shows, that where God hath not bound the conscience, neither the ecclesiastical nor the civil power can.

(8.) If human laws do directly bind the conscience, then it is as great a sin to transgress a law of man, as to break a law of God; with our bare foot to touch the ground within the octaves of Easter, as to call our brother fool; to eat flesh on Friday, as great as to commit fornication: which consequent because it is intolerable, so also is the opinion that infers it. The conclusion is, In Christ Jesus there is neither high nor low: that is, christian religion hath no hand in this heraldry of "secundum, sub, et supra;" but whatsoever difference of person, of order, and of government, is amongst us, is by agreement; it is, as St. Peter calls it, ἀνθρωπίνη κτίσις, "the ordinance of man;" and for man's sake it is to be obeyed: but the conscience is still at liberty where only the commandment of man does intervene.

10. This opinion is taught by Fernando Vasquez a Spaniard, and he affirms that all the gentlemen and common people of Spain, the scholars only excepted, are of this opinion: it was also taught by some of the scholars of Calvin, and some Lutherans, by all the Anabaptists of Germany of late,—and that upon the strength of the first, the third, and fourth arguments; and formerly by Jacobus Almain, and John Gerson, by Felinus, Cajetan, and Navarre, (but they mean only the civil laws of princes,) upon the confidence of the sixth and something of the seventh argument; all which I have thrust forward as far as the nature of the question would bear, and added some more: which I have done, not that these arguments ought to prevail, but that by the examination of them this great question may have right done it, by being rightly stated, and fully cleared.

11. First therefore to the main inquiry; it is certain as an article of faith, as necessary as any other rule of manners, that every subject is bound to obey the just laws of his lawful superior, not only under fear of punishment from man, but under pain of the Divine displeasure. 1. Because the power by which men make laws is the power of God: "By me kings reign, and the lawgivers decree justice," says the Wisdom of God;[c] that is, the Son of God, the Wisdom of the Father, to whom he hath given all power in heaven and earth; he it is by whom, that is, by whose power and wisdom, kings reign. For this is the wisdom, ἣν Θεὸς ἔκτησε ἀπ' ἀρχῆς, "which God *possessed* from the beginning." The LXX reads it ἔκτισε, "creavit," "which God *created* from the beginning;" and this word the Arians make use of to their evil purposes, but very weakly and against the faith of the original, where it is קנה "kanan, possedit." This eternal Son of God, and the Wisdom of the Father, the King of kings and the Lord of lords, is the original of all human power, and this is nothing but a derivative from him. "For power is given you of the Lord, and sovereignty from the Highest; and ye are ministers of his kingdom."[d] And St. Paul[e] expressly and dogmatically affirms, "There is no power but from God: the powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God." So that the legislative or supreme power is not the servant of the people, but the minister, the trustee, and representative of God. 2. The power of the sword is only from God; for since no man is lord of his own life, no man hath power to kill himself, neither hath he power to warrant any man else to do it; for what he may not do himself, he cannot commission and empower any one else to do. "Vindicta mea," saith God, "Vengeance is mine, I will repay:" and it is God's sword with which the magistrate strikes; and therefore kings and potentates are Θεοῦ λειτουργοὶ, and Θεοῦ διάκονοι, ἔκδικοι εἰς ὀργὴν, "God's deputies and ministering officials, in his name to be the avengers of his wrath:" and as Christ[f] said to Pilate, "Thou couldest have no power, unless it were given thee from above," may be said to all just human powers,—It is given them from above, not from beneath; from God, not from the people. The consequent of which is this, If it be God that strikes and pays vengeance by the hand of the magistrate, then it is God who is offended, when the law of the magistrate is violated; for whoever strikes, is the party injured; and the magistrate being God's minister, as he is the less principal in the justice done, so also in the injustice suffered. "Dixit Deus quia dii estis," "It is God who hath said to the magistrates, that they are gods;" that is, in the place of God: by his authority they strike, and he is the injured person: and therefore he who is so smitten by the sword of God, is a sinner against God, for he punishes none else. "Patet culpa, ubi non latet pœna." If God punishes, it is certain man hath sinned, said St.

[c] Prov. viii. 15. [d] Wisd. vi. 3, 4.

[e] Rom. xiii. 1, 2. [f] John xix. 11.

Austin,[g] and St. Prosper.[h] The one is the indication of the other.

But the thing is expressly affirmed by the Scripture; for having dogmatically and fully signified, that all human just power is τοῦ Θεοῦ δύναμις, διὰ τοῦ Θεοῦ, ἀπὸ τοῦ Θεοῦ, and ὑπὸ τοῦ Θεοῦ, they being the several expressions of Solomon, according to the LXX, and of St. Paul in his own words, it is not content to leave us to find out the consequence of these, but literally affirms the main articles. So St. Peter:[i] "Be ye subject to every ordinance of man, διὰ τὸν Κύριον for the Lord's sake;" which St. Paul[k] speaks yet more explicitly: "Wherefore it is necessary that ye be subject, not only for wrath, but also for conscience' sake: "'Sicut Christo,' 'as to Christ,' so be obedient to your masters, or temporal lords;" so the same apostle: that is, by the same necessity, for the same reason, to avoid the same punishment, to have the same reward, and by the force of the same religion, and that you may not prevaricate the laws of God, or do violence to your conscience. Nothing can add light to these so clear words: they are bright as the sun, certain as an article of faith, clear, easy, and intelligible, according to the nature of universal Divine commandments. St. Chrysostom[l] and Theodoret[l] urging these precepts, say, that we are not to obey out of courtesy, but of duty; not out of liberality, but necessity; that is, according to St. Ambrose[l] and St. Austin,[m] the fearful pains of hell and eternal damnation attend them that disobey.

And this whole matter is infinitely demonstrated in this one consideration: the laws of man do so certainly bind the conscience, that they have a power of limiting and declaring, and make the particulars to become the laws of God. For though the Divine law forbids murder, yet the law of man declares concerning the particular, that it is, or it is not, murder,—and by such declaration, by such leave or prohibition respectively, makes it so. In Spain, if a wronged husband or father kill the deprehended adulteress, it is no murder; in England, it is. For, in Spain, the husband or father is permitted to be executioner, where notoriety is declared to be sufficient conviction: here they are not trusted with it; and the judge and the executioner are persons vastly removed. If a law[n] forbids me to take my goods from a thief, it is theft to do it; but it is no theft if the law permits.[o] It is incest for the uncle to marry with his niece: it is so, where the laws have made it so, but it is not so of itself, for it was not so always. Since therefore human laws can constitute an action in the habitude of a Divine law, it is beyond all question it does oblige the conscience.

13. (2.) This obligation is passed upon the conscience, and there is this necessity of obeying: not only in case human laws be first given by God "in thesi," or "in hypothesi," that is, in words or in sense, in direct affirmation or just consequence, in substance or in analogy; but though the matter of the law be in its own nature wholly indifferent before the sanction and constitution. The first conclusion I intended against the Anabaptists, and this second against Gerson, Almain, and the dissenting sectaries: and of the truth of it we have an instance in the person of St. Paul, who by his apostolical authority gave an injunction,[p] which hath ever since been an ecclesiastical canon; and yet he alone, and not the Lord, gave the word, "that a believing wife or husband should not depart from their unbelieving" correlative, if he or she respectively desired to stay. It was a matter in which Christ had not at all interposed, but St. Paul made it a law to the christian churches; and whoever shall prevaricate it, shall bear his burden. And indeed it were a vain thing to suppose, that all human laws were derived from the law of nature, or the Divine positive; or that those which were not so derived, could not be good and reasonable, and that the authority binding them were incompetent. For whatsoever is derived from the law of God, cannot by men admit variety, nor suffer diminution, nor go into desuetude, or be extinguished by abrogation: and then it would follow, that no king could command any thing but what was necessary before he commanded it; and nothing could be a law to the Persians, but what also did oblige the Greeks: and nothing could bind in the one hundred and twenty-fifth olympiad, but what was decreed before the days of Semiramis; and there were no laws but those of the Medes and Persians; and there could be no provisions made for new necessities, and the government of commonwealths could never be improved by experience, and all lawgivers were as wise at first as ever they could be. All which are such foolish consequences, that it must be granted that whatever human power can justly ordain or prudently, or necessarily, or probably,—all that is bound upon the conscience of the subject certainly and to all events as the laws of God himself. And therefore Plato said well, "that before the law is made, men may judge of it, but after the sanction not at all:" that is, it is so indifferent in its nature that it is fit to be considered and disputed; but when it is made a law, there remains nothing but a necessary obedience. And to the same purpose Aristotle[q] largely discourses; for when he had divided the civil law, πολιτικὸν δίκαιον into φυσικὸν and νομικὸν, the "natural," and the "constituted," he says, νομικὸν δὲ, ὃ ἐξ ἀρχῆς μὲν οὐδὲν διαφέρει οὕτως ἢ ἄλλως, ὅταν δὲ θῶνται, διαφέρει. The law that is not natural, but decreed by man, "in the beginning it matters not whether it be made or no; but after it is made, it is a great matter whether it be kept or no." But this whole affair is put beyond all scruple by the words of the apostle; "Obey your masters, not only the good and gentle, but the morose and harsh;" that is, not only if what he commands be in itself good and fitting, but if it be troublesome.

[g] Lib. 2. Retract. cap. 9. et ep. 105. ad Sixtum.
[h] Cap. 20. lib. contr. Collatorem.
[i] 1 Pet. ii. 13.
[k] Rom. xiii. 5.
[l] In Rom. xiii.
[m] Ep. 54. ad Maced. Vide etiam S. Hieron. in cap. 3. ad Titum.
[n] Cap. Placuit 16. q. 6. et in lib. extat. ff. quod Metus Causa.
[o] Gl. in cap. Jus Gentium, dist. 2. verbo Sedium. cap. 1. 2. 23. q. 2. lib. Ait Prætor. sect. si Debitorem. ff. De his quæ in Fraud. Creditorum.
[p] 1 Cor. vii. 12.
[q] Lib. 5. Ethic. cap. 7.

and uneasy, and unnecessary;—any thing, so it be not unlawful: for every thing that God hath not forbidden, can be bound upon conscience by a lawful superior. Either therefore all human laws are nothing else but commentaries on Scripture or the natural law, or else are wholly unnecessary, as being nothing but repetitions of the Divine laws: and there can be no new law made; or if there can, it must bind the conscience: for all other things bind the conscience by themselves, and without human constitution. If therefore any human constitution, as such, can bind the conscience, it must be of such instances, which either are derivatives from the law of nature, or of things which, before the law, did not bind at all,—that is, of things which, in their own nature, are indifferent.

14. (3.) That human laws bind the conscience, does not depend upon the intention of the lawgiver; for when the arrow is shot out of the bow, it will hit or miss by its own force and order, not by the intention of the archer: and no lawgiver can make a law with a purpose not to oblige the conscience. In the reign of Queen Elizabeth, this question was much talked of, and little understood; and some discontented recusants, under the government of the church of England, had so talked the laws themselves out of countenance, that the legislative power durst scarce own the proper obligation of an ecclesiastical, or of a law relating to any thing of religion; insomuch that when the wisdom of the state thought fit to confirm the ancient laws of ecclesiastical fasts, they superadded this proviso, that if any one should affirm that these laws were intended to bind the conscience, he should be punished like the spreaders of false news: and the "jejunium Cecilianum," the "Wednesday fast," was made without such obligation. Now this is plainly, to them that understand it, a direct artifice to evacuate the whole law: for a law that is made without intention to bind the conscience, is no law at all; for besides that it is a plain giving leave to any man to break it that can do it without observation, or can bribe the officers, or is bigger than the informers, or not easy to be punished, or that dwells alone, or that is himself a minister of the law;—besides this, I say, it is directly no law at all. For all human power being derived from God, and bound upon our consciences by his power, not by man, he that says, "It shall not bind the conscience," says, "It shall be no law," it shall have no authority from God; and then it hath none at all; and if it be not tied upon the conscience, then to break it is no sin, and then to keep it is no duty: so that a law, without such an intention, is a contradiction; it is a law which binds only if we please, and we may obey when we have a mind to it; and to so much we were tied before the constitution. But then, if, by such a declaration, it was meant that to keep such fasting-days was no part of a direct commandment of God, that is, God had not required them by himself immediately, and so it was (abstracting from that law) no duty evangelical, it had been below the wisdom of the contrivers of it; for no man pretends it, no man says it, no man thinks it: and they might as well have declared that that law was none of the ten commandments.

15. (4.) Though human laws do not bind the conscience by the intention of the lawgiver, but by the command of God, yet God does bind the law upon the conscience according to the intention of the power that decrees it. For though a father cannot command his son to do a lawful and fitting service, and by his intention make that an obedient son shall not sin against God, because he cannot make disobedience to be no sin; yet by intending less obligation in the law, he makes the crime imputable in a less degree; that is, the authority is the less despised, there is less evil consequent, the mischief is small, the inconvenience little. And therefore the doctors of the canon law do, to very little purpose, trouble this question with inquiries after signs, when the intention of the lawgiver is to bind to mortal, when to venial sins. For besides that the distinction itself is trifling, according to their understanding of it; (of which I have given[r] a large account in a discourse on purpose;) and besides that the commands of heathen parents, and masters, and princes, who knew nothing of that distinction, (if it had been right,) did nevertheless bind their subjects to obedience under pain of sin;—besides these, I say, the lawgiver does not at all make it a sin, or no sin: he only intends it should be kept, and to that purpose binds it with penalties, and consequently and indirectly binds the conscience: but God binds the conscience properly and directly; for the law is Divine in respect of the power and authority, but human in respect of the matter and the instance; and that is the meaning of these words put into the rule. The conscience of man is by God's law properly and directly bound to obey the laws of men; not indirectly and by the consequence of some other duty, but by a commandment and the purposed solemn declaration of his will in this affair. But this I shall more fully explicate in my answer to the opposite arguments. Now because although the lawgiver's intention does not directly make the disobedience to be sin or no sin,—yet because, indirectly, it hath influence upon the action and the conscience of the subject, it is useful that I set down the rules and measures of the difference; and how we may guess (for it can be no more) at the distinct obligations, which, from the diversities of human laws, are passed upon the conscience.

Rules of Distinction, or the Measures, by which we shall prudently conjecture at the Gravity or Lessening of the Sin of Disobedience to human Laws.

16. (1.) He that breaks a law which is established upon great penalties, commits a great sin: because it is regularly to be presumed that the supreme power puts much upon it, when he is so earnest for its observation. "Rem quæ culpâ caret, in damnum vocari non convenit," saith the law;[s] "If there be no fault, there ought to be no punishment;"—they are relatives, and correspond also in their very degree. "Quis dubitaverit hoc esse

[r] Unum Necessarium, cap. 3.

[s] Cap. 2. de Constit.

sceleratius commissum, quod est gravius vindicatum?" saith St. Austin;[t] If the punishment was more grievous, the wickedness also was the more intolerable: "ut juxta mensuram delicti sit et plagarum modus:" that is the measure of punitive justice,—"that the number of the stripes be according to the measure of the iniquity."—And concerning those things where is any doubt, the subject is not to judge whether the law be very necessary or no; but to judge concerning the intention and mind of the superior, and whether he thinks it very necessary: for he knows best, and by his knowledge and his authority is the most competent judge. This rule hath no exception, unless it be evident that the punishment is imposed for terror, and to affright men from doing that for which, it is not very fit they should be severely punished: as if a prince should, under pain of death, forbid the hunting of a hare; the greatness of the punishment neither makes nor declares the fact more criminal than it is, in its own nature, under a law that forbids it under a smaller punishment. But if the case be doubtful, whether the law be of great purposes and design, the greatness of the punishment in a prudent and temperate government, is the best exterior indication. But if the punishment be light and trifling, the offence is so too; for the legislative power can put no more weight upon it than it declares by punishment, but so much it does: and the rule of Alphonso à Castro is very useful here and in some other articles, "Humana lex non magis gravat conscientias quam corpora." For God's law adding energy and sanction to the constitutions of man, binds so far as the prince or as the prelate binds: and this is fully signified in the words and commission of Christ[u] to his church; "Whatsoever ye shall bind on earth, shall be bound in heaven;" for there our blessed Lord constituting a government in his church,—as already there was in the world, though of another nature, and by compulsories external, and a proper jurisdiction, (from which the spiritual differs, as I shall explicate in the fourth chapter of this book,) did promise to them as to the princes of the world; that is, verify their ministry of laws and judgment. He indeed appointed other manners of coercion, and a distinct administration; but the power of giving laws and judgments he gave them; and he gave it as firmly as to the greatest kings: that is, as he commands subjects to obey their princes, so also to obey their spiritual superiors; as he will punish the rebellious and disobedient to kings, so the disobedient to bishops, and to apostolical prelates; that is, according as every superior can and intends to bind by his temporal or spiritual penalty, God will verify it and condemn the same person with an eternal. Since therefore God's verification of human laws and judgments is after the sanction and for it wholly, it must also be according to it. He that binds what man binds, binds so much and no more; as therefore man intends the obligation, so God obliges the conscience.

17. (2.) If the matter of human laws be great in itself, to prevaricate those laws gives a proportion of greatness to the crime. 1. But this seldom happens, but when a Divine law is complicated with the civil; such as, the prohibition of public stews, —the laws for keeping days of religion, the Lord's day, Christmas, Ascension, and the Incarnation,— the preserving the persons of them who minister to religion sacred, the immunity and intemeration of holy things as well as holy persons,—the matters of sacrilege, simony, keeping of vows,—together with all specifications and human instances of Divine commandments, as, that children should not marry without their parents' consent, that marriages should not be consummate before they be published. 2. To these also are to be added such laws, which, in their own nature, contribute much to the public security or advantage: as, that men should not, in a city, fire their own houses, nor cut the dam of the sea upon their own ground; that they should not, in times of peace, fire a beacon, nor tell false and disheartening news to an army ready to join battle, nor make false musters when the enemy is near.

18. (3.) Though the matter of the laws be, in itself, light and trifling, yet if, by reason of some present appendages and visible or probable consequences, it be great, the conscience is tied to obedience under a great crime. For a single soldier to fly from a battle is of itself no great matter, were it not for the evil example; but because it may affright the next man, and that may scare the rank, and the rank may disorder the company, and so proceed to an intolerable mischief,—therefore the sin is great by the proportion to the evil it is likely and apt to produce. To carry corn abroad is no great matter of itself; but when the price is great and the plenty is little, the mischief it does by accident, is the measure of the sin.

Of the same consideration it is, when an action, of itself light and impertinent, is made the matter of a great scandal. To kneel or stand at the holy communion, hath been severally used in divers churches ancient and modern; but when a law is made that we shall kneel, and if I do not kneel, he that observes, will think I do no reverence to Christ's body and blood, and, by my example, will learn to despise it; the conscience is burdened with the sin of irreverence something, but very greatly with the sin of scandal.

When the thing of itself is indifferent, and yet the custom of it is passed into superstition, or causes horror, or some notorious evil effect,—the laws that prohibit any such thing, do bind the conscience to obey under the pain of being guilty of the great evil that is introduced by it. To light up candles by dead bodies is as harmless as any thing; but if it be prohibited for the avoiding of superstition, to which it ministers in some weak persons, the disobedience hath its value not according to the action, but the evil intention to which it is supposed to contribute. Thus we find a title in the canon[x] law, "de cadaveribus non exenterandis et in frustra concidendis, ut

[t] Lib. 2. de Baptis. cap. 6.
[u] John xx.

[x] Numb. 16. De Sepultur. cap. Corripiantur, cap. 25. § 3. gl. ad verbum Major.

ad alia loca transferantur:" and it is forbidden under the pain of the greater excommunication, "that bodies should be embalmed," that is, "unbowelled and cut in pieces, to be carried to other places of sepulture remote from where they died." The thing in itself was innocent, and warranted by the practice of whole nations, and had countenance from the examples of Jacob and Joseph; but it did light into the observation of people that thought it cruel, unnatural, and inhuman: and there that opinion, not the nature of the action, gave the weight and value to the disobedience.

When an action, in itself indifferent, is by the law expounded to signify a sin, though in itself it do not, nor in the heart of him that does it,—the disobedience to that law is an act of that sin, or at least of a scandal relative to it. Thus if a civil law were made to forbid women to go in men's clothes, as presuming they that did so were incontinent and wanton, she that disobeyed that law was really to be judged wanton, because she would do that which the law so expounded; and her crime was great, not according to the thing itself, but to the sense of the law; she despises her own reputation, does that thing which the law, by which the best judgments are made, judges to be incontinence, and therefore she is justly to be condemned as an incontinent: and upon this account there was a law made, and it is recited "cap. Si qua mulier, dist. 30." where women, under pain of anathema, are forbidden to appear in a man's habit; where the gloss adds, "scilicet ob malum finem," "if it be for an evil end," it is a sin proportionate to that evil end: and therefore when the law declares beforehand, that it shall be judged to be a ministry to that evil end, the action is that sin which is so adjudged, and the conscience bound accordingly. But this caution hath no limitation, viz. though the law expounds such an action to be incontinence, and therefore ordinarily it is so to be judged; yet if it really be not so, but be done upon some great necessity, or for some very good end, though till the publication and approbation of the cause, it be externally and legally dishonest,—yet the conscience is clear: because in an action that is indifferent, and condemned only for a presumptive end, when that presumption fails in the particular, and the indifferent action serves really to a pious, a charitable, or a necessary end, the action is made good, and therefore the conscience is disobliged. For that which is really so, prevails over that which is but presumed so. Thus we find that St. Euphrosyna lived long in a monastery of men; and the church which took cognizance of it, did, upon evidence of her piety and purity, after death declare her a saint: and that St. Eugenia went in a man's habit, to avoid the persecutors of christianity for awhile, is told in the "Menologion" of the Greeks; and her memory as of a virgin and martyr, is celebrated in the Greek church, upon Christmas-eve. And when Nonnus, the bishop of Edessa, had converted St. Pelagia, who, from a common courtesan, became a glorious saint, after the suffering of most severe penances in the mount Olivet, she estranged herself from all probabilities of temptation from vain men, by living in a man's habit concealed all her lifetime: and the church keeps her memorial in honour upon the eighth of October.

If the matter of human laws be, in itself, trifling and inconsiderable, yet if it meets with a people where it is esteemed a crime, and the laws forbid it upon the account of a public disestimation,—it is to be presumed that the laws do condemn it equally to the public fame; and therefore that the conscience is bound accordingly. Thus in the days of Clemens Alexandrinus, the christians thought it a very horrid thing to wear false hair; and

Calvo turpius est nihil comato,

said Martial[y] to Marinus, "Nothing is more deformed," nothing more unhandsome. Now though it be not so in itself, yet when the hearts of men are generally against it, as it was then, (though it be not so now,) if any law had prohibited the wearing of perukes, the conscience had been greatly obliged, for the law did lay much upon it, even as much as all the evil of the public infamy did amount to. Thus to break a fasting-day, which by custom hath been observed in a church, is a matter of small account; but if a law have forbidden it, and forbids it there where it is commonly accounted a very high impiety, though of itself it be not so, yet under such a law in such circumstances it becomes so, and is to be valued accordingly. And upon this account are those words of St. Chrysostom to be understood; "Adveniente tempore jejunii, etiamsi quis millies urgeat, et infinita cruciet, et cogat vinum delibare, aut aliquid aliud quod jejunii lege non est licitum gustare, patiendum potius esse, quam prohibitum tangere nutrimentum." It was accounted a great matter then to break an ecclesiastical fast: and therefore when a law is supported by such an estimate, that law binds heavily; and it will be a great sin to break it, unless there be a great cause to legitimate or excuse it. In such cases, we must endure a great inconvenience rather than disobey.

Though the matter be little, yet if the legislative power hath a particular eye and value upon it, however it be expressed, if such a value be known or observed, the smallness of the matter is no argument of the smallness of the sin. Thus also, in the foregoing instance of ecclesiastical fasts, are those words of St. Basil to be understood, saying, "Non minus crimen esse violare jejunium ecclesiasticum, quam militi abjicere scutum in bello, aut stationem deserere." Ecclesiastical fasts in his time were the cognizance of a christian, his defence and guard; and therefore "not to keep them was as if a soldier did throw away his shield in a day of battle, or desert his station." So the prelates of the church did then understand it, so they intended it. When a trifle is made a mark of union, as to wear a branch in war, when the superior sets his heart upon it; in this case, the mind of the supreme becomes a law to his subjects; in the former they become a law unto themselves. Sometimes a small instance is made the trial of obedience; and the superior hath a great authority, but a little diocess, or a few sub-

[y] Lib. 10. ep. 83.

jects, or small occasions to rule in; in these and the like cases, the smallness of the matter is not only to be considered, but the interpretation and effort which the superior puts upon it. If he calls every such disobedience a contempt of his authority, and accounts it a dissolution of that community where he governs, or a great violence of order;—it is so in conscience, that is, to be valued beyond the matter. For he that takes a little piece of iron from an iron forge, does no great harm, but if he takes it from a lock or a chain, he disorders the whole contexture.

19. (4.) When an ecclesiastical punishment is superadded to a civil law, or a civil punishment to an ecclesiastical law, it is to be presumed that the lawgiver puts much upon it, and therefore, the conscience is obliged to obedience under a great sin. The reason is plain;—because he can by no means better and more earnestly signify his purpose of obliging strongly than by using both the swords: he binds more strongly than all the terror of the civil punishment, who, besides that, calls in the aids of religion; and that prelate is passionately desirous to secure obedience to his laws, when, besides the bands of God, he calls in to his help the cords of a man, and so secures it by all means. And therefore whatsoever is decreed under pain of solemn excommunication, is therefore ordinarily presumed to be of great band unto the conscience, not only by force of the first rule,[z] because it is a great punishment; but also because the civil power does verify that sentence, and inflict some great temporal evil upon them, that abide in contempt or disobedience to the orders and censures of the church.

20. (5.) The preceptive or prohibitive words in human laws, ordinarily are no sign of a greater obligation of the conscience; that is, when the words of strict command are the usual style of the court, as it is both in civil and ecclesiastical courts. 1. But if some laws are published with severe clauses of command, and others on purpose and by design with lesser and the more gentle, then the case is evident that there is a difference to be made also by the conscience. And this is in particular made use of by the Franciscans in the observation of the rule of their order. For, "in Clementina, Exivi de Paradiso, sect. Cum autem, de Verborum Significatione," it is determined, that that part of the rule of St. Francis, which is established by preceptive or prohibitive words, shall oblige the friars minors, under a great sin,—the rest not; and this wholly upon the account of the different clauses of sanction and establishment. 2. Another exception there is to this rule; for when the preceptive or prohibitive clauses are reduplicated directly or by some solemn appendage, it is presumed that the conscience is highly bound. Such as are, "We strictly charge and command, we command in the virtue of obedience, upon our duty and allegiance, upon my blessing, as you will answer it at the dreadful day of judgment, upon your oath," and such like.—And here the reason is plain, because the superior calls in to his aid the interest of some other virtue besides the obedience; as justice or veracity, hope or fear, the helps of God immediately, or a proper appeal to some other great tie of conscience.

21. (6.) However the laws were established, yet according as they go off, or go less, or fall into desuetude, or disobligation, so the band of conscience grows less, till it be quite eased by abrogation; for the law binding by its establishment, and the conscience being bound by the life of the law, as the law dies, the conscience is at ease: and by this rule St. Paul largely proves the christian churches not to be obliged in conscience to observe the law of Moses, in the seventh chapter to the Romans.

22. (7.) The contempt of any law, be the matter ever so trifling, be the lawgiver ever so much unconcerned, be the public interest ever so little,—yet if it be a law, and still in force, is a great sin, and lays a great load upon the conscience. "Contemptus in omni specie mandatorum pari pondere gravis, et communiter damnabilis," saith St. Bernard;[a] "all contempt of laws, be the matter little or great, is highly damnable;" and the reason he subjoins awhile after:[b] "Convertit in crimen gravis rebellionis culpam levis transgressionis," "Contempt makes the smallest transgression become a great rebellion." Because here it is not the violation of the law, but of the authority; not the decree, but the power, is undervalued, and ever accuses the lawgiver of want of wisdom, or supposes him to have no power. This is that which, in Leviticus,[c] is expressed by "si spreveritis mandata mea, et anima vestra fastidierit judicia mea," "a contemning the commandment, and that your soul hate and loathe the judgments."—Such a thing as this, is a deletery to the whole law, and tears the knot that ties the mantle upon the prince's shoulders: and this is acknowledged even by them who believe that human laws do not oblige the conscience; for they confess that the conscience is at least bound so far that the law be not despised. Now then beside that this rule is established not only by its own reason but by concession, there is this advantage to be made of it; that if the conscience be bound so far that the law be not despised, then the conscience is bound so far that the law be obeyed if it can; that is, that it be always obeyed, unless there be a competent and sufficient or probable reason to the contrary. And therefore it is remarkable, that God[d] calls the not obeying of his laws, a despising and loathing them in their hearts: "Si judicia mea exhorruerit anima vestra, ita ut non faciatis," "If your soul so hate my judgments that you do them not;" that is properly to despise them: and so it is in human laws: he that breaks them without cause, despises them—for nothing else does make him not to obey. For this is a certain rule, "Causelessly and contemptuously are all one." If therefore the adversaries[e] in this rule do affirm, that the conscience is bound to obey, unless there be reason to the contrary, then we agree together, and both with truth; and if there be any difference afterwards, it is only in as-

[z] Numb. 16.
[a] Lib. 1. de Præcept. et Dispens. cap. 11.
[b] Cap. 12.
[c] Lev. xxvi. 15.
[d] Lev. xxvi. 15.
[e] Gloss. in cap. Metropolitanum. 2. quæst. 7.

signing what reasons and what causes are sufficient. But if they mean that the conscience is only bound not to despise the law, but may break the law when there is no reason for it, and if she does, commits no sin against God; then by despising the law they must mean something that no grammar and no lexicon ever understood; and that none despises the law but he that rails upon it, and reviles it, or reproaches the authority directly; for indirectly he reproaches the authority that despises the law,—and he directly despises, that for no reason disobeys it: for if for no reason, then it is contempt, for else there can be no account given of the omission; and nothing is a greater contempt than to esteem the law so inconsiderable as to be less than nothing. He that thinks it unlawful, hath a reason, real or imaginary: but he that thinks it lawful, and yet will not obey, and hath no reason why he will not, does despise it infinitely. Some suppose that to break a law frequently or customarily, is contempt: but to this I assent not, because there may be a lasting reason why the law is by custom broken: indeed, if there be no reason, then the greater the custom is, the greater is the contempt; but if there be a reason, neither one omission nor twenty can be criminal. But in this particular I like well what is said by the lawyers: "Ex consuetudine indici præsumptionem contemptus, licet ipsa contemptus non sit." "It is a very great presumption, that whoever frequently breaks the law, does despise it;" and upon him that does so, the burden of proving that he does not, by proving his reason, is incumbent.

23. These are the measures, by which we shall account concerning the degrees of obligation of conscience to obey human laws. The use of them is this, that, besides they are helps to alleviate the scruples or the doubts of conscience concerning the greatness of a sin in this instance, and in proportioning our repentance and amends,—they are also of great use both in the judging concerning the reasons of disobeying,—that is, whether the reason be weighty enough to outweigh the impress and intention of the law,—and also of judging what inconvenience is to be suffered to preserve our obedience respectively to any law.

24. It now remains, that, for the confirmation of the truth and explication of the sense of this rule, the objections made be considered.

25. To the first I answer, that to suppose human laws to bind the conscience, is so far from divesting God of his royalty, that it does very much establish it; for it is a part of his royalty to bind the conscience, and therefore he that says, that "God does bind the conscience to obey human laws," makes no intrenchment upon that. For although human laws do bind the conscience, yet it is not by virtue or formal energy of the civil power, but by the authority and power of God; the king and the bishop are but Christ's deputies; and his power they exercise, by his power they rule, and to his kingdom they minister. And therefore the civil power does not take cognizance of the conscience, nor pretend a compulsory over it: but God does; and does exercise it, when he punishes the soul eternally for contempt and rebellion against the princes of the people.

26. To the second,—We are to consider, that when it is said, that "human laws bind the conscience," the meaning is, it ties us to duty; and we are guilty before God, if we do not obey man: and conscience is not here taken in the physical or natural sense, for a practical understanding alone, but for the whole mind of man informed and commanded by God; in which mind one of the principles or laws of God written there is, that we should "obey them that have the rule over us;" but besides this, this whole argument is a plain paralogism; for it supposes that because human laws are tied upon the conscience, that they are tied by man, not by God; which is against the true state of the question: therefore if conscience were wholly a habit or an act, or the faculty of understanding, and consequently, in this last case, subject to God alone, who is truth, yet the truth remains unharmed; for it is not man that rules in the conscience, but God, who commands it to obey man, for fear of God's displeasure. Human laws are but the material part in this obligation; the authority and command of God give it life and force upon the conscience: it is like the body prepared by the father of the country, into which God inspires a living and an operative principle.

27. To the third—the answer is easy and short; for granting all that is said, it not being material to the present inquiry whether it be true or no; it is a part of christian liberty, that the conscience be servant to none but Christ; and whatever be the matter of human laws, if it be not also the matter of a Divine law, the conscience is free from that matter of itself; because God, being only the Lord of conscience, and he not having by his law established that matter, the conscience is free as to the matter. But then when a just authority supervening hath made a law in that matter, though the conscience was free from that matter, yet it is not free from that authority; not that the conscience is a subject of that authority immediately, and ultimately,—but because God hath subjected it, and commanded it to obey.

Of Christian Liberty.

28. But for the fuller satisfaction of conscience in this great article, it will not be amiss to give a full, but short account of the nature and pretences of christian liberty. In order to which St. Peter explicates this article most excellently, saying, "Be subject to every ordinance of man," διὰ τὸν Κύριον, "for the Lord," that is, for his commandment, and for the interest of his kingdom, and his power, and his glory: for it is a portion of his kingdom, it is the deputation of his power: and he is glorified by our obedience,[r] when the princes of the world, by seeing our ready subjection, have no cause to speak evil of us: which was the very argument which the apostle[s] uses in this question. And therefore St. Peter, who in this inquiry takes notice of our liberty, gives express caution, that though we be free from

[r] Isai. xxxiii. Luke i. Apoc. i. et xix. [s] 1 Pet. ii. 13.

many fetters and hard services, yet we should not pretend christian liberty as a cover for sedition and rebellion and disobedience, which he signally calls κακία, we render it "maliciousness:" and if it be used to express the effects and evil consequents, it is very well; but it relating here to the principle of the mischief, it is better rendered "craftiness,"[h] μὴ ἐπικάλυμμα ἔχοντες τῆς κακίας ἐλευθερίαν, "not making this christian liberty a pretence and cover for your *craftiness*:" for they well knew the artifices of the devil, and that he would endeavour to alien the hearts of subjects from their princes, upon pretence of christian liberty, and of heathen princes from christianity upon supposition it was no friend to government; and so it fell out in the Gnostics and Valentinians: but against these evils, the apostles, by the Spirit of God and the doctrine of the gospel, made excellent provisions. For as St. Peter, so also St. Paul, used the same caution in this article: for having pressed upon the Galatians to insist upon their christian liberty, and not to be brought under the yoke of Moses, lest they should stumble at the name of liberty, he charges them not to abuse it, not to extend it beyond its proper limit, not to use it as an occasion to the flesh; and that it may be manifest where it was he intended to fix his rule, he instances in the matter of government, adding, by way of explication, "By love serve one another:"[i] that is, though you christians be all free, yet there is a bond of charity, by which you are tied to the rules of government and service and subordination; in these things if you pretend your liberty, it will be but an occasion to the flesh, and a dishonour to the spirit. For our liberty is not a "carnal" liberty, but it is a "spiritual."[k] If a slave be called to christianity, he is the Lord's freeman, but not man's; he is still a servant, and commanded to abide in it, if in that state he be called. And it is an excellent rule, which is given by Calvin[l] in this particular, "We ought to account, that, by christian liberty, there is nothing gotten to us before men, but only before God."—And it is a horrible folly which abuses some men,—they think that they lose their liberty, unless they get possession of it, by doing against that part which is forbidden: not considering, that if the matter be indifferent, then they may as well do that which is by man commanded, as do the contrary,—they are as free to one as to the other; and therefore, for civility, and for government, and for order, and for humility's sake, since they must use their liberty one way, let them do it that way, which will at least please God as well, and man better. And for their christian liberty, that is in the spirit, and they need no other testimony but the conscience itself: for the conscience in this also is a thousand witnesses. And therefore truly and plainly the liberty that the apostles speak of, is but a freedom from the "dominion of sin," and a freedom from the terrors and obligation of the law: the first is a freedom of duty, the second a freedom of privilege; the first is a commandment, the second a state of advantage; that is but a working, this is completed; that is designed by Christ, this already wrought, and is the effect of Christ's death, while the other is the product of his Spirit, and the business of the kingdom of grace. But let us see what is the proper and explicit effect of all this.

1. It is true that we are freed from sin, that is, we are asserted into the liberty of grace and pardon; the band of sin is broken, and we may be rescued from the power and from the punishment of it: and what then? St. James[m] answers this inquiry, "Whoso looketh into the perfect law of liberty, must be a doer of the work," that is, of the righteousness evangelical; and "this man shall be blessed in his deed." For it is Christ who hath set us free; but yet be servants of Christ; his Spirit hath made us free, and asserted us "into the glorious liberty of the sons of God;"[n] therefore we are debtors, not to the flesh, to live after the flesh," but we must live a spiritual life, for to do so is to persist in our liberty; it is entering upon that possession which God hath given us; but this is like the gift given to the sons of Israel: all the land of Canaan was their portion, but they were to fight for it, and win it by degrees; but it was long before they were in quiet possession; and so shall we, when we are in the land of promise.

2. It is also true, that we are freed from the curse of the law and the spirit of bondage or servile fear, which was produced by the curses threatened to every transgressor without the abatements of infirmity and the allowances of repentance; and we are adopted into a liberty of the sons of God, we can "cry 'Abba,' 'Father;'" and God will use us not with the severe rights of a Lord, but with the sweetest measures of a Father's government. And what then? what is the effect of this liberty?—By the Spirit of God we cry, "Abba," "Father," by him we have this liberty, therefore "we must live in the Spirit:" for though we be not under fear, yet we are under love: we are not under the curse of the law, yet we are under the duty; not under the coercive power of the first covenant, yet under the directive power of the eternal commandment. For the Spirit of God makes us sons, yet none are sons but such as are "led by the Spirit;"[o] and we freed from the curse and condemnation of the law; but not unless we "walk not after the flesh, but after the Spirit."

3. It is also true that we are freed from the ceremonial law, the law of circumcision, of meats and drinks and carnal ordinances. And what then? "Use it charitably and take heed lest this liberty of yours become a stumbling-block to them that are weak."[p] Some there are that extend this to a liberty from all things that are indifferent, as meats and garments, and days, and ceremonies, and the like. Now if they mean that we are not bound to these things by any law of God under the gospel, it is very true; that is, Christ gave us no commandment concerning them. But if it be meant, that these things are left so free, that there can be no accidental and temporary obligation, rule, or limit,

[h] See the Doctrine and Practice of Repentance, chap. 4.
[i] Galat. v. 13. [k] 1 Cor. vii. 20, 21, 24.
[l] Lib. 3. Instit. cap. 19. sect. 10. [m] James i. 25.
[n] Rom. viii. 12. [o] Rom. viii. 1, 14. [p] 1 Cor. viii. 9.

made concerning them,—this is that I am now disputing against. But that this is no part of christian liberty purchased by the blood of Christ, is evident,—because things in their nature indifferent, that is, concerning which there was no commandment given, were always free; and to say otherwise were a contradiction in the terms; and no drop of Christ's blood could so vainly fall as to purchase for us what was done already by the nature of the thing. He only rescinded the laws of Moses, concerning the instances commanded there; that is, those which were not indifferent as being positively commanded, he returned to their own nature, to be used in another dispensation, to be disposed of in another government, in a distinct manner, to other purposes, or, as occasion should serve, to be wholly let alone. But although Christ broke the yoke of Moses, and so left the instances and matters there used to their own indifference: yet he left it as indifferent to the lawgivers to make laws concerning them; for he gave no commandment, that they should always be left indifferent as to external usages. Under Moses they were tied upon the conscience by God himself, and therefore unchangeably during that whole period; but now they are left to a temporary transient use and ministry, to do good, or to promote order, or to combine government: and if governors had not a freedom to use them in government, as well as private persons to use them, if they would, in their own persons,—christian liberty had been made for subjects, and denied to christian princes and christian priests.

4. There is yet another liberty[q] called "the liberty of glory," or "the glorious liberty of the children of God;" that is, the "redemption of our bodies" from disease and pain, from death and corruption: but for this we must stay till the last adoption: for what Christ is by generation and proper inheritance, that we shall be by adoption, if we belong to him. Now of Christ in his resurrection it was said,[r] "Thou art my Son, this day have I begotten thee." That was the last generation or right of sonship, to which when we are adopted, we shall be partakers of the glory; but that was at Christ's resurrection, and this shall be in ours.

5. Now there being in the days of the apostles so much talk of liberty, and that in so many instances, and without question made the subject of many sermons, and much table-talk, and many disputes, and used as an argument to persuade strangers, and to comfort the faithful, and the devil being so ready to make use of any prepared lust, or mistake, or ignorance, or fancy; it could not be but many weak and many false persons did instantly dream of a temporal liberty, that sons were free from the laws of parents,—wives, of husbands,—servants, of masters,—subjects, of princes: the apostles, knowing how great a confusion this would be to all relations and states of men, and what an infinite reproach it would be to the religion, stopped this avenue of mischief, and not only dogmatically described the duties of all inferiors, but took care also to do it in those places where they had occasion to speak of christian liberty, that there might be no pretence to do evil. For christianity neither could nor ought to have been received, if the preachers of it had destroyed governments. The effect of this discourse is plainly this, that christian liberty does not warrant disobedience to human laws, or liberty from their obligation. Whereas therefore the apostle[s] says, "Ye are bought with a price, be not ye servants of men, it is not to be understood of the conscience or mind of men, as the objection affirms, but only is an advice of prudence, to the purpose of the preceding words, (in the twenty-first verse,) "If thou mayest be made free, use it rather:" that is, "Since it is more convenient for the advantages of religion, and the service of Christ, by the price of whose blood you are redeemed, that ye may serve him all your days, therefore you are free, be not easy to give or part with your liberty, but use your state of liberty for the advantage of the service of Christ;" for that nothing else is meant, appears in the words[t] he immediately subjoins, "Brethren, let every man wherein he is called, therein abide with God:" that is, your being the servants of men is not inconsistent with your service of God, nor that servitude incompossible with christian liberty. But yet suppose that the interpretation, used in the objection, be right, and that, "Be ye not the servants of men," is to be understood of the conscience or mind of man; yet, save only that it was not so intended by the apostle, it can do no harm to this question: for the understanding and the mind may be free, when the hands are tied; and a man may have the liberty of opining and judging, when he may not have the liberty of acting,—which is all is pretended to by the empire of human laws. For as Origen excellently, "This is nothing but an intellectual liberty, concerning which let a man contend in an intellectual and evangelical manner, that is, by good arguments and the spirit of meekness, and there is no harm done."—This is the whole sum of the doctrine of christian liberty. Concerning which if any man desire to read more words, and longer discourses, and some intrigues, he may please to see them in Driedo, who hath written three books, and Belliolanus, who hath written twenty books, of christian liberty.[u]

29. To the fourth I have already answered both in the beginning and end of the answer to the former; and it proves nothing but what is granted. For to use the same instance; you may fast, when you are commanded by your superior; but you must not think, that fasting is a part of the Divine service. It is true, it is no part of Divine service, the fasting of itself is not, but the fasting in obedience is. For though man commands fasting now, or so, and God does not; yet God commands that we should obey those commands of men; and then the conscience is *συνείδησις Θεοῦ*, "the conscience of God," or "towards God,"[x] it is his subject and servant, and his liege-man: and yet at the same time

[q] Rom. viii. 21.
[r] Acts xiii. 33.
[s] 1 Cor. vii. 23.
[t] Ver. 34.
[u] Vide etiam Francisci de Silvestris Opusculum de Evangelica Libertate.
[x] 1 Pet. ii. 19.

the law of man pretends not to rule the conscience immediately, and therefore the conscience is free,[y] and may judge the thing of itself to be no Divine commandment; but the will is not free, and the duty is bound upon that, when the understanding is at liberty. "Errat enim, si quis putat servitutem in totum hominem descendere: pars enim melior excepta est. Corpora obnoxia sunt, et adscripta dominis: mens sui juris est," said Seneca;[z]—and from him Aquinas.[a] The whole man is not in subjection; the body indeed is under lords and laws, but the mind is as free as air.

30. To the fifth I answer, by denying the consequence of the argument. For though human laws do bind the conscience, yet it follows not, that it is put into the power of man to save or damn his brother: because human laws bind the conscience, but not by force of human authority precisely, or in itself, but by virtue of the Divine commandment: and therefore a prince cannot make a law and threaten damnation to the breakers of it, because he cannot inflict it; but he may say, that he that breaks it will sin against God, and God will inflict damnation upon the rebellious and disobedient. But then whereas it is objected, that this makes the broad way to hell broader, it is a mere scare-crow; for God only can enlarge or straiten this way efficiently and formally; but "objective et occasionaliter," by way of instance and occasion, by giving new laws to endear obedience in new instances when it is for the public good, hath in it no inconvenience: every minister of the word and sacraments, by every invitation of his people to a more strict religion, does make the damnation of the disobedient greater, and by every check of conscience, and by every opinion of our own, we become a law unto ourselves, and make the way of our conversation narrower; and every offer of grace, and every call of the Spirit, does add moments to the eternal misery of them that do resist: and yet it were not well to be without them, for fear of that accidental evil. For it is to be considered that these aids, and all good laws, are intended for good to us, and will bring good to us if we obey; but the very reward itself being offered, makes also our punishment just and reasonable if we refuse. "Ex te tua perditio." The law is not in fault, but the rebellious man ruins himself, who, by occasion of the law, might have received an increase of glory, if he had pleased.

31. To the sixth the answer is given in the premises: Human authority does not make the action of disobedience to be a sin. It makes that the not compliance of the subject is disobedience; but it is the authority of God, who makes disobedience to be a sin: and though no human power can give or take grace away; yet we may remember that we ourselves throw away God's grace, or abuse it, or neglect it, when we will not make use of it to the purposes of humility, charity, and obedience; all which are concerned in our subordination to the laws.

32. The seventh objection hath two parts; the one concerns the civil power, the other the power ecclesiastical. Concerning the civil, it is affirmed to be unreasonable, that the power, which cannot remit sins, should bind to sin; and therefore the civil power cannot bind the conscience, because it cannot remit the sin to which it binds. In which argument there are four terms: and therefore it is a perfect fallacy. For it is true, that it is reasonable, that the power, which binds, should also loose: but that the civil power cannot loose in the same sense in which it can bind, is false; for the civil power can untie that which it hath tied, unless, by tying, be meant tying to one thing, and loosing be meant of another. The civil power binds to obey; the same power can untie this band, by dispensing with the person or abrogating the law. But when it is said, the civil power cannot remit the sin, therefore not bind to sin, it is a sophism,—because binding and loosing do not signify in the same manner. For it does but accidentally bind to sin, and in the same manner it does also ease the conscience: it makes the law to which God binds the conscience; it takes off the law, and from the conscience God takes off the obligation. But because it does not by itself bind the conscience, but occasions the conscience to be bound by God, therefore it hath nothing to do to remit the sin, for that must be the act of God; but the law can loose what it bound, and where it bound, and as it bound, that is, not the sin, but the subject-matter, the instance, and the occasion. But now concerning the ecclesiastical power, the objection says that it hath no power to make laws, but such as are in the matter already decreed by God: and therefore it doth not bind but what God hath bound already; and consequently hath of itself no power to bind the conscience. To this I answer, 1. That it is true, neither the ecclesiastical nor the civil power does by its innate authority oblige the conscience; but both powers can make laws, to the observation of which God doth oblige conscience. 2. It is an error to say, that the ecclesiastic power cannot make laws in things not decreed by God. For the supreme civil power is also ecclesiastical, if it be christian, and hath a power in the external regiment of the church; and therefore to make laws in such parts and accidents of government, in which God hath left no special direction: and for the proper power of the ecclesiastics, that also extends beyond the giving commandments in matters of express duty commanded by God; as I shall make appear in its own place. 3. If it were granted that the church could not make laws in things not decreed by God, yet when God hath decreed the thing, the church can make laws concerning the order of the things, the measure and the manner, the number and the weight, the adjuncts

[y] If any man have but a right understanding that it is all one before God to eat flesh or eggs, milk or fish; that to him it matters not whether you wear a red or a white garment in your times of solemn prayer; this is enough, says Calvin, lib. 3. cap. 19. sect. 10. Instit. he need not tie himself to either, but if he does, his conscience is still free, though his action or choice be determined. And so it is though the law of his superior determines him.

[z] De Benefic. iii.

[a] 2. 2æ. q. 104. art. 5.

and the circumstances; and that is a field large enough for her to make laws to oblige the conscience. And therefore although it were ridiculous and contemptible, injurious and uncharitable, for the church to pass her greatest censures upon persons that transgress "bono animo," or through unavoidable infirmity, in small inconsiderable instances, circumstances and unconcerning forms of law and unconsidered ceremonies; yet the smallest thing may be placed so as to be of great concernment; and when these things accidentally become great, the censures of the church may be prudently and charitably inflicted. But what power the church hath in making laws, will afterwards be considered in its place; thus much was of present necessity for the answer of the objection.

33. To the last there might be many answers given. It may suffice, that the argument is expressly false; for supposing that human laws do directly bind the conscience, it does not follow that it is as great a sin to break the laws of man, as to violate the laws of God: that it is a sin it does follow, but not that it is so great. For the law of God against idle words does oblige the conscience, but it does not therefore follow, that it is as great a sin to talk idly as to kill a man. But this sophism relies upon this false supposition, that all things that bind the conscience, do bind in the same degree, to the same measures of iniquity. For if they do not, then human laws may bind the conscience, and yet they may be broken at an easier rate than the commandments of God. 2. But then I add, that this is according to the subject-matter, and the evil consequent of the action. For suppose a prince oppressed by a rebel party, as Pompey was by Cæsar; Photinus that told the king of Egypt, where he lay hid, did a greater fault than if he had railed upon Pompey, expressly against the commandment, "Thou shalt not speak evil of the ruler of the people." To open the secrets of a king may be a greater sin, and do more mischief, and proceed from greater malice, than to call my brother fool. For a soldier to desert his station may be a greater crime than to steal a shilling. 3. And yet it cannot be denied, but there is great difference between the laws of God and the laws of man in their obligation. Concerning which, in order to many cases of conscience, it is fit that I give account.

The Difference of Divine and human Laws in their Obligation.

34. (1.) The law of God binds the conscience immediately, and by the right of God; the law of man binds the conscience mediately, and by the interposition of the Divine authority: so that we must obey man for God's sake, and God for his own.

35. (2.) The laws of God bind the will and the understanding; that is, we are bound to obey, and bound to think them good. But human laws meddle not with the understanding; for that is a prince, and can be governed as he can be persuaded, but subject to the empire of none but God: but the will is the subject of human laws; not only that the will be bound to command the inferior faculties and members to obey and do the work of the law, but of itself precisely it is bound: for it is not enough that we do the outward works, but the will must be, of itself, obedient. "Whatsoever ye do, do it heartily," ἐκ ψυχῆς ἐργάζεσθε, "do it from your very soul;" that is, cheerfully, willingly, without murmuring: ὡς τῷ Κυρίῳ, καὶ οὐκ ἀνθρώποις, "for ye do it not to men, but to the Lord."[b]

36. (3.) The Divine laws are lasting and perpetual, but human laws cease to bind the conscience, by desuetude, by contraition, by contrary reason, by intolerable inconvenience, by dispensation, and lastly by abrogation.

37. (4.) Divine laws oblige the conscience not only to an active obedience, but to activity and earnestness to do them, to seek opportunities, to omit none to do them presently. Human laws oblige to an active obedience, but not to a spontaneous offer, and ultroneous seeking of opportunities. It may be a sin, it is always an infirmity, to seek for excuses and dispensations in Divine laws: but it is lawful, by all fair means, to seek to be freed from the band of any human law, that is not of public concernment, and is of private incommodity. A man may decline a burden of the law, or seek a privilege and exemption. The citizens of Rome were tied to keep guards in course, and do other duties; but he that had three children had a right of exemption; and he that hath none, may lawfully desire and petition for the privilege. The burden of a human law may be thrust upon another, if it be done by just and charitable means; but in the laws of God every man must bear his own burden choosingly and delightfully.

38. (5.) Human laws only consider the outward action, not the secret opinion; you must obey man, when, at the same time, without sin, you may believe the law to be imprudent or imperfect, or fit to be annulled. But in the laws of God, we must submit our most secret thoughts, and we must be sure so to obey human laws, as we keep for God the prerogative of his: but though to God we must give account of our thoughts, yet human laws meddle not with them at all. "Cogitationis pœnam nemo meretur," saith the law.[c]

39. (6.) Human laws oblige only that they be not despised, that is, that they be not transgressed without a reasonable cause: but the laws of God must be obeyed in all cases: and there is no cause to break them, and there can be no necessity upon us to commit a sin. In the obedience to human laws, we may suppose there was a weakness in the sanction,—they could not foresee the evil that was future, the inconveniences upon some men, the impossibilities of many, the intolerable burden upon others: and therefore although a reason is always to be had, when we do not obey, and that a good one; yet the reason and the goodness of it are not to be the greatest and the best, or to be exacted according to the strictest measure of necessity alone. For though the laws of God bind to obedience without dispute, without diminution, without excuse, and in all necessities and accidents that can supervene; yet beyond

[b] Col. iii. 23. [c] Ff. de Pœnis.

that which is good, that which is equal and probable and profitable, human laws do not bind: but of this in the sequel.

40. (7.) He that despises the law of God, dies for it; and he that neglects it, is accounted to despise it; the not doing it, is, by interpretation, a contempt of God's law. He that despises human laws, is also guilty before God; but he only is accounted to despise it, that voluntarily and without reason disobeys. But he that out of multitude of other affairs, or an incuriousness of spirit, unknowingly or ignorantly neglects it, by not thinking of it, is in most cases innocent before God; but is tied to submit to the punishment if he be required and deprehended. This only is to be added, that a great and a dissolute negligence even in human laws is so far from excusing the breach of the law, that it doubles the guilt: "Dissoluta negligentia prope dolum est," saith the law.[d] "A great negligence is accounted malice."

41. (8.) Ignorance of the laws of God excuses no man, because they are sufficiently revealed to every man; and he is not only bound to inquire much, if there should be need,—but there is also so clear a communication of them, that a little inquiry will serve the turn, and therefore no man is here excused by ignorance. But in the laws of man, ignorance is easier pleaded, and does more excuse, and does unavoidably happen to many men in very many cases; and they are less bound to inquire, and a less matter makes the ignorance probable and quit from malice: of all which a prudent and a good man is to be the judge.

42. (9.) When Divine and human laws are opposed, these must always yield to those; and without dispute, God is to be obeyed rather than man; and although we must obey man for God, we must never obey man against God: and therefore it was excellently counselled by Ben Sirach, "Let not the reverence of any man cause thee to sin."

43. (10.) As a consequent to the former, all the ministers of justice are bound to be more severe in exacting obedience to God's laws than to their own, in an equal or like matter; they must be easy in the matter of their own laws, and zealous for God: and this also does prove, that, where the effect and the appendages and circumstances do not alter it, it is, in the whole, a less sin to break a human law, than to break a Divine: that is, although both are sins, yet in the nature of the action it is of a less degree of crime to break the law of our superior than of our supreme, of man than of God.

44. (11.) Divine laws are imposed upon the people; but human laws are imposed indeed, but commonly by their consent, explicit or implicit, formal or interpretative, and without acceptation in a sweet regiment may indeed, but are not usually, passed into the sanction and sacredness of laws.[e] For the civil government is not absolute, and mere, and supreme; but in some senses, and to some purposes, and in some degrees, limited, conditional, precarious, and mixed, full of need, and supported by them who are to be ruled, who therefore are to be regarded.

(12.) Some add this; The Divine laws bind both in public and in private, the human in public only: that is, because human laws take no cognizance of what is secret, therefore neither do they, of themselves, bind in secret. But this although in speculation it hath some truth, yet, when it is reduced to practice, the consideration is different. For though man's laws know not what is in secret, and therefore cannot judge; yet God, that binds human laws upon our consciences, knows the most secret breach of laws, and he judges and discerns. But this hath some difficulties in it, and many very material considerations, and therefore is to be distinctly handled in some of the following pages. This only for the present. When in private we can be excused or innocent before God; in that private, and in those circumstances, human laws oblige not.[f] But God's laws equally oblige both in public and private, respectively to the subject-matter. Of themselves, human laws have nothing to do with private actions; that is, neither with the obligation, nor the notice.

45. There are many other material differences between the laws of God and man, as to their obligation upon conscience; which I shall afterwards explicate upon the occasion of particular rules. The great sum of all is this, so far as relates to conscience; The law of God binds stronger, and in more cases, than human laws. A breach of a human law is not so great a sin, nor is it so often a sin, as a breach of the Divine; the advantage both in the extension and the intension being (as there is all reason it should) on the part of God; that God, who is in all, may be above all.

46. Thus they differ; but, in order to the verification of the rule, it is to be remembered, that in the main obligation of conscience, they do agree. The Divine law places things in the order of virtue and vice; and the sacraments are therefore good, because they are appointed by Christ, our great Lawgiver; and in the old law the eating of swine's flesh was therefore evil, because it was forbidden by the law of God. For all the goodness of man's will consists in a conformity to the will of God, which is the great rule and measure of human actions. And just so it is in human laws, according to their proportion and degree: when the law of the church commands fasting, to do so then is an act of temperance as well as of obedience, and to disobey is gluttony; and to wear cloth of gold is luxury, when the law commands to wear plain broadcloth. To give great gifts at marriages and feasts may be magnificence; but if the law limits to a certain sum, to go beyond is pride and prodigality. This is the work of God, though by the hands of Moses and Aaron: for it matters not by what means he effects his own purposes; by himself, or by his power administered by second causes. The sum is this, which I represent in the words of St. Gregory Nazianzen:[g] "Submittamus nos tum Deo, tum aliis, tum iis qui imperium in terrâ gerunt:

[d] Ff. Mandati, lib. Fidejussor, et ff. de Action. et Obligat. lib. 1. sect. Is quoque.

[e] Vide rule 6. of this chapter. [f] Rule 4. of this chapter.

[g] Orat. 17.

Deo quidem omnibus de causis; alii autem aliis propter caritatis fœdus; principibus denique propter ordinem, publicæque disciplinæ rationem:" "Let us submit ourselves to God, to one another, and to princes: to God, for all the reason in the world; to one another, for charity's sake; to princes, for order's sake, and the account of public government." —But if we refuse to obey men, God will punish us; and if we refuse to obey God, even the prince ought to punish us; and both promote the interests of the same kingdom. Κολάζεσθαι δὲ τοὺς μὴ ἀκολούθως τοῖς διδάγμασιν αὐτοῦ βιοῦντας, λεγομένους δὲ μόνον Χριστιανούς, καὶ ὑφ' ὑμῶν ἀξιοῦμεν, saith Justin Martyr;[h] "We pray you, O kings and princes, to punish them who are christians only in name, and do not live according to the decrees of our great Master:" and then for their own interest this is his account; Θεὸν μὲν μόνον προσκυνοῦμεν, ὑμῖν δὲ πρὸς τὰ ἄλλα χαίροντες ὑπηρετοῦμεν, βασιλεῖς καὶ ἄρχοντας ἀνθρώπων ὁμολογοῦντες· "We worship God alone; but in other things we gladly serve and obey you, confessing you to be the kings and princes of the people."—I conclude this in the words of St. Bernard:[i] "Sive Deus, sive homo mandatum quodcunque tradiderit, pari profecto obsequendum est curâ, pari reverentiâ deferendum;" "A law, whether given by God or by man, is to be observed by a like care, and a like reverence;" alike in the kind, but not in the degree.[k]

RULE II.

Human Laws do not oblige the Conscience to an active Obedience, when there is an imminent Danger of Death, or an intolerable or very grievous Evil in the Obedience.

1. THIS rule is to be understood to be true regularly and ordinarily, and in laws purely human; that is, such, which are not commentaries or defensatives of a natural and a Divine law. For if the forbidden action have in it any thing that is intrinsically evil,—then the action must not be done, though to save our lives: for no sin ought to be the price of our life, and we ought not to exchange an eternal life for a temporal. Here our blessed Saviour's words are plain, "Fear not them which can kill the body;" and, "What profit have you, if you gain the whole world and lose your own soul?" and, "It is better to go into life maimed and blind, than, having two feet or two eyes, to go into hell-fire;" and, "God is to be obeyed rather than man;" and, "He that would save his life shall lose it;" and divers others to the same purpose. Now when any thing of this nature is the subject-matter of a human law directly, or if the violation of any thing of a Divine commandment be the consequent of the breach of a human law, then the human law binds to its observation though with the loss of our lives.

2. But the question here is concerning mere human laws established in an indifferent matter: and in this it is that the rule affirms, that human laws do not bind to their observation with the danger of life. The reasons are these:

3. (1.) Because the end of such laws is only the good and convenience of the lives of the citizens. "Omnibus à naturâ bene informatis insitum esse ut nemini parere velint, nisi utilitatis causâ et legitime imperanti," said Cicero; "Nature herself teaches all wise men to obey princes that govern by laws, and for the good of their subjects."—They therefore being wholly made to minister to the circumstances of life, must not, by our lives, be ministered unto; nothing being more unnatural and unreasonable, than that a man should be tied to part with his life for his convenience only. It is not worth it; it is like burning a man's house to roast his eggs.

4. (2.) "Eye for eye, and tooth for tooth, and all that a man hath he will give for his life:"—It is indeed the voice of nature and of this world, there is no capacity to receive any good when our life is gone; and therefore nothing of this world can make a man recompence for his life. That law therefore that pretends to do advantages to our life, if it shall also require our life for the securing such advantages, takes away more good than it pretends to give, and makes the substance less principal than the accessory.

5. (3.) If human laws do admit of equity, as it is confessed by all men, there is no case so favourable as that of saving of our life: either then we are to suppose the laws to be made of a rock, and to yield to nothing, but for ever to be a killing letter, and an instrument of the hardest bondage;—or else, at least to be so compliant as to yield to her citizens in the case of life and death.

6. (4.) All human power is given to man for his good, not for his hurt; for edification, not for destruction. But it very often happens, and it is so in most laws that are merely human,—that the good of the particular law is not so great as the saving the life of one man; and if such laws should not yield to the preservation of so precious a life, it were a law made for evil and not for good, a snare and no defence, an enemy and no guardian or friend.

7. (5.) Necessity is the band, and necessity is the solution of a law. "Necessitas facit licitum quod alias licitum non est," saith Alexander.[l] To the same purpose is that of Seneca: "Necessitas, magnum humanæ imbecilitatis patrocinium, quicquid cogit, excusat;" "Necessity makes every thing lawful, to which it does compel." But of all necessities that is the greatest, which is the safety of our lives, and a rescue from death: this case therefore is greater than the band of human laws.

8. (6.) The laws of God, in precepts purely affirmative, do not oblige to an actual obedience in the danger of death. This is in such positive laws of God, which do not involve a negative, of an intrinsic

[h] Apolog. 2. pro Christ.
[i] Lib. 1. de Præcept. et Dispens. cap. 11, 12.
[k] Videat Lector Latomi librum, de Ecclesiâ et Legis Humanæ Obligatione: et Claudium Carinum, de Vi et Potestate Legum Humanarum; Cajetanum verb. Præceptum, Navarrum, Card. Toletum de hac Materia in Libello de 7. Peccatis Mortal.
[l] Ad lib. Si ex toto, ff. de Legibus.

malice against a law of nature or of prime rectitude, the laws of God intend not to oblige, when death shall be the reward of him that does obey. Thus the Maccabees brake the rest of the sabbath to defend themselves against their enemies; and the priests for the uses of religion, and the disciples of Christ to satisfy their hunger: and Christ was their advocate. Thus David and his followers did eat the shewbread expressly against the commandment, but it was in his great need; and Christ also was his advocate, and defended the fact: and if a probable necessity, that is a great charity and relief, which is but the avenue and the address of an extreme necessity, be a sufficient excuse from the actual observation of a law of God, positive and affirmative; much more shall an extreme necessity excuse from such a law, and therefore yet more strongly does it conclude against the pressure of a human law, in such cases. And therefore the church[m] hath declared that the ecclesiastical laws of fasting do not oblige in case of sickness or old age, or journey and great lassitude; and thus also no man is bound to go to church on a festival to hear Divine service, when an enemy lies in wait to kill him: that is, the laws of the church were intended for the good of the soul, and therefore not suffered to do hurt to the body; and as God affirms he will have mercy and not sacrifice,—and therefore himself makes his own laws, that can yield at all, to yield to the occasions and calls of mercy: so does the church in the imitation of God, whose laws and gentleness are our best measure; not that every little excuse and trifling pretence can excuse, but the danger of death, or sickness, or some very great evil reasonably feared;—of which I shall, by and by, give an account.

9. Although the rule, thus understood, be certain and evident for these reasons, yet there are some "adversaria" or seeming oppositions very fit to be considered; because although they do not evacuate the intent of the rule, yet they give limit and further explication to it.

10. (1.) Cajetan affirms, "Every law that binds under pain of mortal sin, does also bind to obedience, though death attend it;" and his reason is, because we must rather die than commit a sin: and therefore let the instance be what it will, if it ties to obedience by obliging the conscience, it is a sin to disobey,—and rather than sin, we must choose to die. (2.) And that no man should question the power of the superior in obliging to suffer death, we find by the practice and consent of all the world, that princes can call their subjects to battle, and command their officers upon dangerous services, and the soldiers are bound not to desert their station; and the master of the ship was obliged to put to sea in a storm, when Cæsar bade him. (3.) For since the law is intended for a public good, the private interest (be it ever so great) is not to be put in balance against it. And therefore as it is in the laws of God, and in the confession of faith, the brave sons of Eleazar did suffer death with torments rather than eat swine's flesh, and the martyrs gave their lives in a willing sacrifice rather than deny their faith: so in their proportion it must be in the laws of men, they must be kept up, though we die for it. "Melius est ut unus quam unitas," "It is expedient that one man die for the people," one member for the whole body, "rather one than the unity" be dissolved, and the community ruined.

11. To these things I answer, first, that the proposition of Cajetan is not true in its latitude. For whatever binds to obedience under pain of sin, does not intend to bind to obedience with the loss of our life under sin. It is true that we must rather die than sin; but we do not sin in not obeying, when he that obeys shall die for it; and that being the question ought not to be presumed by any opponent, in prejudice of truth or probability. Human laws bind to obedience, and God's law annexes the penalty of sin: but then God's law coming in to second man's laws, seconds it but in what it would oblige. But human laws do not intend, regularly and in all cases, to be obeyed with the loss of life or limb; and when the law does not sufficiently express such intention, we are to presume for liberty and mercy. Now that which follows, is true in some sense; the public is to be preferred before the private, and the supreme power can oblige the subjects to suffer death, or to venture their lives: but this cannot be in all cases. For if in all, then is the magistrate the lord of life and death, which is God's peculiar; but if he could in no case, then he were not the minister of life and death, which is communicated to the magistrate. The inquiry therefore now is, —Since regularly he cannot, and yet extraordinarily the supreme power can tie on his laws upon our shoulders with the cords of death, in what cases this is true, and in what it fails.

12. (1.) When a law is decreed by man with the appendage of a penalty of death for its sanction, it can bind to obedience though death be in it. For since the matter of the law is, by the legislative power, valued at the price of our lives, and by accident the very keeping of it as well as the breaking is set at no less price, the evils of either side being equal, the presumption and advantage must be on the part of justice and the law, not for injustice, tyranny, and disobedience. And so much the rather, because that the obedience should cause death is but rare and accidental, not foreseen, but seldom happening; but the law, threatening death to the disobedient, is a regular, constant, observed, and declared provision: and therefore that which is for good, and regularly is established by the fear of death, is not to be put out of countenance by a contingent, rare, and extraordinary fear, and which also is intended for evil; for which, in this case, there could be no provision, and therefore there ought to be no regard. But this holds only in case that death, on either side, be equally certain: for if it be certain the obedient man shall die by the hand of a tyrant, or an accident that is prepared, and it be likely he may escape from the hands of the law by concealment, or by the relief of equity or charity, then the natural right of self-preservation will be his apology; this man despises not the law, but

[m] Cap. Consilium de Observatione Jejunii.

extricates himself as well as he can, and for a reason, which of all considerations, merely human, is the greatest.

13. (2.) When the tyrant power threatens death to obedient subjects, for no other end but that the subject should contemn the law, then the superior can oblige us to obedience, though we die for it. For it is in this as in those positive and affirmative laws of God, which although they yield to save the subject's life, yet they will never yield in the corruption of the subject's manners: that is, they yield in charity, but not to serve a tyrant's lust. And thus we understand the reason of the difference between the cession of the law of the sabbath in the case of the Maccabees, and the not cession of the prohibition of swine's flesh in the case of the Jewish subjects. For the fear of death was equal to them both: if the princes did not fight upon the sabbath they should be cut in pieces; and if the subjects did not eat swine's flesh they should die with torments. But they preserved themselves, and these did not, and both were innocent. The reason of the difference is plainly this; they that offered swine's flesh to these, did it as enemies of religion; they that fought with those upon the sabbath, did it as enemies of the nation, only they would take advantage by the prohibitions of the religion. Now when death is threatened by the enemies of the religion, it is with purpose to affront it, or destroy it; and therefore if the mother and her seven sons had complied, it had been a renouncing of their faith and their religion, and a contempt of their law,—which could not be supposed in the other case of the princes, not only because both the princes and the army could not be supposed to be despisers of the law, but also because that very breaking of the law, was with fighting in the defence of the law and the whole nation. And so it is in human laws: the sacredness of the authority may be established with our life; and because to contemn them is always a sin, we must rather die than do it, though the matter of itself be less and do not require it. But this is also to be limited. For it is true that we must rather die than contemn the laws; but yet he that breaks them for no other reason than to save his life, is not a contemner of the law, for he hath greater reason, and a great necessity: and therefore it is not contempt, but it is to be presumed the contrary; therefore this is to be understood when,

1. Either the law expressly commands we should die rather than break it. Or,

2. Hath declared, that, in such circumstances, to comply shall be a contempt by interpretation. Or,

3. When it is notorious, that it is so intended by the tyrant power: and,

4. The lawgiver expressly requires our fortitude and resistance; for unless it be in such cases, though the law can bind, yet it does not. The sum is this; when death is likely to be the consequent of obedience by accident and the chance of things or the providence of God abstractly, then it is not to be expounded to be contempt. Because, in such cases, God tempts not. But when an enemy or a tyrant power tempts with the fear of death, he does it in defiance of the law or the authority, and therefore here we must obey and die. And this distinction is very much to be regarded. For if a prince or an ecclesiastical superior make a law, it is to be presumed that they do it not (for they have no interest to do it) in despite of chance to bind to obedience in the danger of death: and therefore it is a rack of their power to extend it to such a case. But they may have interest and public necessity to exact this obedience, when an opposite power threatens death, that they may destroy the law.

14. (3.) The same also is the case of, 1. scandal, or, 2. injury to religion, or, 3. the confession of our faith; in all which cases we are obliged to die rather than break a positive law of God or man. And this is that which St. Austin[n] said: "Satius est fame mori quam idolothytis vesci," "It is better to die with hunger than to save our lives by eating things sacrificed to idols:" that is, when the so doing is an interpretative renunciation of our religion, or the laws of our superior forbidding it, or is a scandal to a weak brother. And this is it that St. Paul said; "I will eat no flesh as long as the world stands, rather than cause my brother to offend." But in this there is no difficulty.

15. (4.) Human laws bind to their observation though with the danger of death, when that danger is either expressly in the law, or in the matter and instance of it annexed to the obedience. Thus the supreme power can command the curates of souls to attend a cure in the time of the plague, to go to sea in a storm, to stand in a breach for the defence of the army. For, in these cases, he that hath power to do it, hath expressly commanded it; and to undergo the danger of death is of the substance of the action and obedience, and is neither besides the intention nor the knowledge of the lawgiver; and therefore if the law did not bind to obedience notwithstanding the danger of death, it were no law at all. For to a prince commanding to go to sea in a storm, it is in vain to say, "It is a storm;" and that soldier is a fool that tells his general "he is afraid to die," when he sends him upon an honourable service.

16. (5.) But all these cases are to be provided so that they be "in gravi materiâ," that the cause be great, and the necessity urgent, and the public good concerned, for men's lives are not to be jested away:—and though Scipio Major had power to carry his three hundred brave fellows (that he so boasted of in Sicily) to the African war, yet he had no power to command them to run up the neighbouring tower and leap headlong into the sea for bravery and to show his power.

17. (6.) One thing more is to be added. In those cases, in which human laws do oblige even in the danger of death, they do not oblige but for their whole portion; that is, when the whole end of the law is not destroyed or hazarded by the disobedience, but that the caution and end of the law may be secured and observed in all or in the greatest part; a man may then, by not observing the law, save his

[n] Lib. de Bono Conjug. ep. 16.

own life and be innocent. And this is the rule of Aquinas, and it is very reasonable, "Quando est causa rationabilis, et non impeditur finis legis, non peccat mortaliter qui non observat legem;" "Upon a just cause, a man may, without a crime, break a law, when, by such transgression, the end of the law is not hindered."—As if a law be made, that corn shall not be transported, because of an imminent famine, and for the preservation of the citizens,—if any man, to save his life, shall comply with an inevitable accident, and necessity, and carry some abroad, his necessity is a just excuse, because he hath not destroyed the end of the law, since his proportion and lading cause no sensible detriment to the public: and though every single man must not pretend, that his single proportion will be no great matter, (because that is not sufficient unless there be a great necessity to do it,) yet when there is such a necessity, it will suffice that he did it not but upon a violent need; and what he did was not a destruction to the end of the law; and his example cannot have any evil effect of itself; for other men cannot say, Why may not I as well as he? unless the necessity be as exemplary as the action, and unless they be in the like evident danger of death, they cannot pretend to the like impunity. They that are in no danger, may not, but he that is, may, when the subjects' safety can stand with the safety of the public. For although the head may expose one member to loss and amputation to preserve the whole, yet when the whole can be safe without it, the member may preserve itself and refuse to be cut off: and nothing is greater than the safety of a part, but the safety of the whole.

18. But the rule affirms, that not only danger of death, but the avoiding of a very grievous and intolerable evil, is sufficient to excuse disobedience to human laws from being a sin. But this is particularly to be considered in the following rules.

RULE III.

The Laws of our Superior that are not just and good, do not oblige the Conscience.

1. Laws are public mischiefs, if they bind to injustice; and therefore to establish any thing that is unjust or evil, is against the nature of laws, and the power of the superior, and the intendment of the supreme. For God gives to no man power above or against himself.

Now a law is unjust upon many defects.

2. (1.) If it be made by an incompetent person,—that is, one who hath no authority. Caius and Seius were fellow-servants to Ruricanus. Caius commands Seius to go to plough. Seius demands, "de quo jure?" And he was in the right. Caius was the wiser man, and he was the older, and better employed, but he was not his lord. "Par in parem imperium non habet," says the law.[o]

3. (2.) If it be made in an incompetent and undue matter. When Saul commanded the man of Amalek, "Sta super me, et interfice me," "Fall upon me and kill me," he was indeed a prince, but in that matter he could make no law, and therefore was not to be obeyed. And the ancients tell, that when Mercury was accused for the murder of Argus, though he pleaded that he did it by the command of Jupiter, yet the gods did not acquit him: and though Mark Antony did worse for his own revenge to kill Cicero, yet Photinus did ill too when he killed the brave Pompey, though at the command of his master Ptolemy.

> Antoni tamen est pejor quam causa Photini;
> Hic facimus domino præstitit; ille sibi: Mart.

Antony was infinitely to be condemned, and Photinus not to be justified.—And upon this account, every law made against religion, or any thing of Divine sanction and commandment, is void, and cannot oblige the conscience. To which purpose, who please may read an excellent discourse of St. Bernard in his seventh epistle, which is to Adam the monk. Upon this account a thief cannot begin a prescription against the right of the just owner, because his theft, being against the law of God, cannot begin a just title by the laws of men. Thus although the laws[p] permit a man to possess what by an unjust price or bargain he hath acquired, yet because this is unjust and uncharitable to deceive his neighbour, the injurious person is bound to restore, and is not indemnified before God by any warranty from the contrary civil law: "Ye shall not lie," saith our Lord God,[q] "nor deceive every one his neighbour:" and let "no man defraud or circumvent his neighbour in bargaining," saith St. Paul.[r] Κατὰ τὴν ἀγορὰν ἀψευδεῖν, said the old Attic law, from the voice of nature; which Cicero well renders, "Tollendum esse ex rebus contrahendis omne mendacium," "No lie must at all be used in bargaining:" and therefore the law of man to the contrary is invalid: though, I suppose, the civil law intends only to bar an action in the outward court, but not to give warrant to the conscience.

4. (3.) Human laws may be unjust, when a just power, in a competent matter, passes on to excess, and goes beyond its bounds. He that excommunicates one that is not of his diocess, does not oblige the excommunicate person by the sentence: and Pilate had nothing to do with the holy Jesus, till Herod had sent him back to him; for to his jurisdiction he did belong. Thus if a priest or a bishop absolves a guilty person, he binds himself, but looses not the other. For no excess of power produces any effect of law, or tie upon the conscience. And to this purpose is that rule of the law,[s] "Sententia non à suo judice lata, nulla est:"—which is excellently rendered by St. Paul,[t] "What art thou, O man, who judgest another man's servant?"—Upon this account, all human laws prescribing to the conscience, or giving bounds to the thoughts, are

[o] Clement. Exivi de Paradiso, de verb. Signif.
[p] Lib. in Causa. sect. idem Pomponius. ff. de minoribus, et lib. item si precio sect. quemadmodum. ff. locati et conducti.
[q] Levit. xix.
[r] 1 Thess. iv.
[s] Cap. at si Clerici. in Princip. de Jud.
[t] Rom. xiv.

null. For in these things God only is judge, and all other judicatories are incompetent: I say, all other judicatories: for as for sentences declaratory of a Divine law, that is not under this restraint. But of that in its own place.

5. (4.) Human laws may be unjust, by a defect of the just and due end: that is, when the law does not contribute to the public advantage, but wholly to his private who made the law. If the law be apt to minister to the public good, whatever the private interest and design of the prince be, it may spoil the man but not the law. If a prince, espying the luxury of feasts and garments, make sumptuary laws, and impose fines upon the transgressors, and does this only to get the money,—indeed he is not a good man: but so long as the law is good, it does oblige the conscience. The enemies of the memory of King Henry VIII. of England, pretend, that he annulled the pope's authority in England, only upon designs of lust and revenge. Suppose this true: yet as long as he did good, though for evil ends, it is the worse for him, but not for us; but if the prince does not, yet the law must, intend the public benefit: and that also is the duty of the prince. "Non prospectantes proprii jura commodi, sed consulentes patriæ atque genti," said the fathers[u] of the eighth council of Toledo; "Kings must not look after their own profit, but make provisions for their country, and their people." "Officium est imperare, non regnum," "To rule is not empire, but office," said Seneca;[x]—and therefore the Greeks call kings, ἄνακτας ἀπὸ τοῦ ἀνακῶς ἔχειν, says Plutarch, "that signifies persons appointed to take care of and to defend the people."—

> Tu civem patremque geras, tu consule cunctis,
> Non tibi; nec tua te moveant, sed publica damna:[y]

"Take care of the public, not of thy particular; and let the common calamity move thee most:" and since the power itself is designed for the public good, the laws must be so too. And therefore when the law says, that a law ought to be a common precept; that is, "pro communi utilitate statutum," says the gloss;[z] that is, "it must be for the common good." "Conditur utilitatis gratiâ lex," says Plato;[a] "Every just law is made for the good of the people:"—and from him Marsilius Ficinus defines a law to be, "a true manner of governing, which by profitable ways tends to the best end," that is, the public good:—and Isidore[b] says, "Lex erit omne quod ratione constiterit, duntaxat quod religioni congruat, quod disciplinæ conveniat, quod saluti proficiat;" "A law is that which agrees with reason, that is consonant to religion, and accords with discipline, and is profitable and does good."

And therefore if a prince make a law which is for his own profit, and not for the public good, he is a tyrant; and his laws have no sanction but fear, and no tie at all upon the conscience. And this is the doctrine of Aristotle,[c] Ὁ μὲν γὰρ τύραννος τὸ ἑαυτῷ συμφέρον σκοπεῖ· ὁ δὲ βασιλεὺς τὸ τῶν ἀρχομένων. "A king and a tyrant differ very much: a tyrant considers his own profit, a king the profit of his people:" and under this consideration comes that prince, that lays grievous burdens upon his people. Τοὺς γὰρ τὰ μεγάλα, μὴ ὅθεν δεῖ, λαμβάνοντας, μηδὲ ἃ δεῖ, οἷον τοὺς τυράννους, πόλεις πορθοῦντας, καὶ ἱερὰ συλῶντας, οὐδὲ λέγομεν ἀνελευθέρους, ἀλλὰ πονηροὺς μᾶλλον, καὶ ἀσεβεῖς, καὶ ἀδίκους, "Those that take great sums from them they ought not, and those which they ought not,—as tyrants, destroyers of cities, and robbers of temples,—we do not call them covetous, but wicked, and impious, and unjust."[d] And therefore they who do such things by laws made on purpose, do it by tyranny, and therefore not by law, or just authority, and consequently by none. In such cases we must suffer as it happens: but we may avoid the burden of the law, where we can peaceably and privately. For all such things as are against the good of the subjects, the law itself declares to be no law; that is, to be more than the superior hath right or leave to do. "Nulla juris actio aut benignitas patitur, ut quæ salubriter pro hominum utilitate introducuntur, ea nos duriore interpretatione contra ipsorum commodum producamus ad severitatem;" says the law:[e] "No law, no charity, suffers us to make that by interpretation hard and against their profit, for whose profit it was first decreed by a salutary sanction." And therefore it is observable, that all laws do infinitely decline all harsh senses, and are ambitious of gentle and benign interpretations; which is, in the whole world, the greatest declaration that lawgivers, as they ought not, so they profess they do not intend, to grieve the subject by an unequal burden. It was a princely saying of Trajan, when he put a sword upon the thigh of the prefect of the prætorian bands; "Cape hunc, et, si quidem rectè et ex utilitate omnium imperavero, pro me; sin aliter, contra me utere;" "Use this sword on my behalf, if I govern rightly and to the public benefit: if not, use it against me."—That was too much, but his purpose was excellent; he knew it was his duty to rule by that measure only; beyond that his power was incompetent. Ὁ γὰρ μὴ τοιοῦτος, κληρωτὸς ἂν τις εἴη βασιλεύς· ἡ δὲ τυραννὶς ἐξ ἐναντίας ταύτῃ· "He that does not so, is a king by fortune, but indeed a tyrant, and any thing rather than a king." Τὸ γὰρ ἑαυτῷ ἀγαθὸν διώκει, says Aristotle;[f] "For he pursues his own, not his people's good:" and that is φαυλότης μοναρχίας, "the stain of monarchy," that is, plainly tyranny.—Tiberius said well, "Dixi et nunc et sæpe alias, patres conscripti, bonum et salutarem principem, quem vos tantâ et tam liberâ potestate instruxistis, senatui servire debere, et universis civibus; sæpe ac plerumque etiam singulis, neque id dixisse me pœnitet." A good and a gentle prince ought to serve the profit of his nobility, his senate, and citizens; not only all, but each single citizen, as there is occasion; and therefore Rodolphus of Austria was very angry with his guards for hindering petitioners to come to him; "Let them

[u] Cap. 10.
[x] Epist. 91.
[y] Claudian. ad Honor.
[z] Lib. 1. ff. de Legibus.
[a] In Hippia.
[b] Lib. 3. cap. 3.
[c] Ethic. lib. 8. cap. 10.
[d] Lib. 4. Eth. cap. 1.
[e] Lib. nulla, ff. de Legibus.
[f] Ubi supra.

come," says he, "for I was not made an emperor to be shut up in a box."—"Sinite parvulos ad me venire," said our blessed Lord, the King of kings, and the Lord of lords, "Suffer my little ones to come unto me."—But the reason and demonstration of all are contained in those words of Seneca,[g] saying a prince should think with himself, "Ego ex omnibus mortalibus placui, electusque sum, qui Deorum vice in terris fungerer," "I am chosen from the heap of mortals to stand in the place of God," to do as he does; that is, to do all things justly, and to do all things for the benefit of the people: now since the prince hath his power from God, he can have no power to do otherwise than God does.—"Admittere in animum totius reip. curam, et populi fata suscipere, et oblitum quodammodo sui, gentibus vivere; noctes omnes diesque perpeti solicitudinem, pro salute omnium cogitare;" so Pliny describes the office of a prince,—"to take care of the whole republic, to live to them, not to himself; days and nights to suffer anxiety in thinking for the profit and welfare of all."—This is the limit of a prince's power so far as he relates to conscience. For beyond this the conscience is not bound. The body is, and we must suffer patiently the evil which we cannot deprecate; but laws that are made to purposes beyond these measures, do no ways oblige the conscience. "He is the minister of God for thy good," saith St. Paul; otherwise he is not God's minister, and hath to other purposes none of God's authority, and therefore cannot oblige the conscience to an active obedience in such things where his power is incompetent to command.

6. (5.) Thus, when a law by the change of things or cases is become an enemy to the common good, it is not to be observed, saith Aquinas; and he gives this instance: A law is made that in time of sieges, the gates of a city be always kept shut; but the guards are not tied to obey this law, when the citizens fly thither from the danger of the enemy: and so in all equal cases, concerning which this is the rule.

7. The prince is to be presumed good and gentle: and if he be not so, he is to be supposed so, and made so at least by fiction of law: whatsoever case therefore does happen in which the citizens are grieved, it is to be supposed that it is besides the intention of the law, and was not in the prevision of the prince; but we are to rely upon this, that he who is good and gentle, and a father of his country, would, if he were here and observed this evil, untie the law, that he might not tie us to the evil: and because he is not here, but his will is here, the law with so much evil to us is not to be observed; for his leave to break it is to be presumed.

8. (6.) Hither is to be reduced the injustice of unequal distributions; such as is a law forbidding beggars to go from place to place to seek relief, when there is no relief at home; the law of commanding every village or parish to provide for their poor,—which indeed is piously and charitably intended, but because when it is reduced to practice, it falls heavily upon some, and others touch it not with the top of their fingers, the law which was good "in thesi," proves unjust "in hypothesi," and therefore does not oblige the conscience; but they who are under it, may not only seek relief by petition, but by avoiding it where they can piously and charitably, according to the measures by and by to be described. For it is the voice of natural justice and reason, which St. Paul urges to his charges, "not that there should be ease to one and burden to another:" this is against equity, as having in it so great disproportionate inequality.

9. (7.) Lastly, of the same consideration it is, that, in the making laws of burden, there be equality and proportion between the burden and the cause of the imposition; that the burden be not greater than the evil it intends to remedy, nor the remedy greater than the disease needs, nor yet greater than men can bear. For what is excessive in these cases, is against the charity and justice of the prince, and is matter of rapine and impiety, not of subsidy and prudent provisions: and therefore, though it may oppress the subject, who hath no remedy but prayers and tears; yet the conscience is at liberty, and may procure remissions by any ways of peace and piety.

10. But in the reducing of this to practice, these cautions are to be observed.

(1.) That though the conscience be free from all laws, which are unjust upon any of these accounts, yet that the law be not disobeyed with the scandal and offence of others, it must be so done that none be taught to rebel, or evacuate the law upon pretences and little regards; nor that our duty and religion be evil spoken of, nor that the superior be made jealous and suspicious. When our blessed Saviour had proved himself free from tribute, and that in conscience he was not bound to pay it, yet that he might not give offence, he submitted to the imposition. And this caution is given by all the doctors who follow Bartholus[h] in it.

11. (2.) The inconvenience of the republic must not be trifling and contemptible, but so great as must, in the judgment of good and prudent men, be a sufficient cause of annulling the law, so great as must reasonably outweigh the evil of material disobedience. And therefore, in the injustice of unequal distributions, and imposition of taxes, we are not to complain for every little pressure, nor yet to weigh the proportions in gold scales: for it is a greater duty of charity that the subject quietly bear a little load for peace' sake, and example and compliance, than it can be of duty in the prince to make such exact, curious, and mathematical proportions.

12. (3.) The inconvenience and injustice must be certain, notorious, and relied upon, before it can be made use of to the breach of a law. For it is no warranty to disobey, that I fancy the law to be unjust; and therefore, in this case the best scrutiny we can have, is, that either it be so declared by the voice of all men, or the more sober accents of the wise men, or be evident in itself according to the strictest measures; for where there is a doubtful case, the presumption always is for obedience, not against it: for although usually in doubts, the presumption is for liberty, yet that is either between

[g] De Clement.

[h] Capite 1. de Constitutionibus.

private persons, or when the superior makes a doubt concerning his own laws, then he is to judge for liberty and ease; but in our own cases, and in dispute with a law, the presumption is on behalf of the law, because ordinarily that is the greatest interest, and the greatest reason.

13. (4.) When there is a favourable case for breaking a law, if we have time and opportunity, we must ask leave of the superior. Because as that does honour to the superior, and gives value to the law; so it is the greatest course of security, because it makes him judge, who only can complain. But to this we are not obliged, if the case be evident, or if the danger of evil be imminent and sudden, and there be no time or opportunity to require it: in these cases, a leave is to be presumed, or else it need not, for the law does not oblige.

14. (5.) This to be practised only when the law is against the public good. For if it be still consistent with the public interest, though it be against the good of a particular person, the law hath left a power of dispensation in the appointed ministers; but a private person may not so easily break the law, at least he is tied to other conditions, and more caution, and a severer conduct: of which I am to give account in the chapter of the Diminution of Laws. But, for the present, the difference is only in speculation: for notwithstanding the personal inconvenience, the law does still bind the conscience of the subjects in general; but if it be against the public emolument, then the law ceases, and it does not oblige. In the first case, the particular is to be relieved by a way of his own; of which I am afterwards to speak: but in this case the conscience is at liberty. Thus when the church makes a law that upon a certain day the people shall meet in public, and spend their day in fasting and prayer; it is a good law, and may be for the public good, though Petronia and Abbatilla be with child and cannot fast: all are bound, but from these the yoke may be lifted up for the present. But if a church make a law, that all the clergy shall loose their livings and their office, if they marry; here there is a mischief to the public, to a whole order of men; and the law cannot do so much good accidentally, as it directly does mischief. And the confession of Suarez[1] upon another occasion, but in this very instance, is remarkable: "Custodiam virginitatis esse opus supererogationis, quod necessariam non habet conjunctionem cum fine publici commodi; et ergo non posse præcipi lege humanâ;" "That virginity should be kept, is a work of supererogation, that hath no necessary conjunction with the end of any public good; and therefore cannot be enjoined by a human law." Either then the law of the church of Rome, forbidding the clergy to marry, does not tie them to be virgins, but gives them leave to fornicate; or if it does tie them to a virgin state, she makes a law which is not for the public good, and therefore in which she hath no competent authority. This, therefore, is an unjust law, and does not oblige the conscience. Δεδιδάγμεθα ἀρχαῖς καὶ ἐξουσίαις ἀπὸ Θεοῦ τεταγμέναις τιμὴν κατὰ τὸ πρόσηκον τὴν μὴ βλάπτουσαν ἡμᾶς ἀπονέμειν, said Polycarpus; "We are taught to give to princes and the powers set over us by God, such honour and obedience as may not hurt us."

[1] Lib. 3. de Legib. cap. 30. n. 13.

RULE IV.

A Law that is founded upon a false Presumption, does not oblige the Conscience.

1. THE case is this: Francisco Biretti, a Venetian gentleman, full of amours, and used to vain and wanton addresses, courts Julia, a senator's daughter, but with secret intent to abuse her, and so to leave her. Marco Medici, the father of Julia, by threats and harsh usages, forces his daughter Julia to consent to a contract with Francisco: who perceiving himself surprised, and that the matter was passed further than he intended it, resolved to make the best of it, to make a contract, to lie with her, and so to leave her. He does so, surprises her in the careless hours of the day, and the nakedness of her soul, and with flatteries mingled with the affrighting name of her harsh father, acts his intention, and then pursues it till he was weary of her, and then forsakes her. She complains, and desires remedy. The law declares their congress to be a marriage. But in the mean time Francisco passed into Sicily, and there married Antonia Peronetta, a Sicilian lady; her he loved, intended to make her his wife, and did so. Now the law[k] presumes that after contract, their congress did declare a marriage; for it supposes and presumes a consent, and yet withal says, if there was no consent, it was no marriage. Here Francisco is condemned by the presumption, and relieved in conscience. For if he did not lie with her "affectu maritali," but only intended to abuse her, he was indeed extremely impious and unjust; but he made no marriage, for without mutual consent marriages are not made. Yet because of this, the law could no way judge but by outward significations, and "ut plurimum," "for the most part," it is so that contract and congress do effect as well as signify a marriage, the law did well to declare in the behalf of Julia; but Francisco, who knew that which the law could not know, was bound to make amends to Julia as well as he could, but to pursue the marriage of Antonia and dwell with her. For the presumption, upon which this law was founded, was false; the congress did not prove a marriage, for it was never intended; the presumption was probable, but failed in this instance, and therefore in this case did not oblige the conscience. Conscience is to be guided by presumptions when it hath no better guide; but when it hath a certain truth to guide it, it is better than the best presumption or probability. Besides this, when a law is made upon a supposition, and relies upon that alone, in case that should fail, it is to be presumed that the lawgiver does not intend to bind. When the men of Ægina were at war with the Athenians, they made it death by their law for any

[k] Cap. Is qui Fidem, et cap. Tua nos, de Sponsal.

Athenian to be seen in their country. But when Plato was made a slave and was carried thither by a storm, one of the citizens saved his life by an artifice, and did it according to the intention of the law. For the law being founded upon a presumption, that if an Athenian came thither, it was for evil to their town, they could not suspect that Plato had such an evil intention, when they knew his case and his sad story; and therefore ought to judge him quit from the burden of that law.—Don Joseph, of Carreras, a Spaniard, walking one night in Seville, was taken by the alcadi, and found to have arms about him, against the law; but carrying of him to prison they found at the end of that street a man newly murdered: the law presumed him to be the murderer, as it does aptly suspect such persons, who at unseasonable times walk armed: he was accused, but finding friends was acquitted for his life, but sentenced to maintain the widow and children of the dead man. He knew himself innocent, and therefore was not bound in conscience to maintain her, —because the law, relying upon a false presumption, was a dead letter, and could not bind.

2. But that there be no error in the practice of this, we must distinguish of presumptions. One sort is in matter of fact, the other is upon presupposition of dangers usually arising: that is of justice; this of caution. The examples which I have already brought, are all mere and unmixed presumptions of fact; in which cases the rule does hold without exception. But in presumptions of caution it is otherwise. The law does irritate and evacuate the contracts of minors, because they being weak and indiscreet, it is presumed that they do it foolishly, whatever they do; and it is fit that the laws should be their defensatives against the evils of their ignorance. But now some minors under sixteen years of age are of a ripe wit, and competent judgment, and have craft enough to make a bargain, to consider what they promise, and to beware of the artifices of evil men. But yet although the presumption of the law fails as to their particulars, yet their parents may annul their promises, their vows, and their professions, though the presumption of the law in their case do fail. The reason of the difference is this: in presumptions of fact, if the truth of the fact fails, the whole foundation of the law does fail; for the foundation is indivisible, and the law had no other support; if any thing of it fails, it all fails. But in presumptions of caution, or of presupposition of danger which does usually happen, it is wholly otherwise; for though it does fail in some instances, yet it is true in most, and is sufficient to support a law, which looks after that which is most common, not after rare emergencies. And therefore the law, in this case, does not, in proper speaking, rely upon a presumption, but a certain judgment; for it is certainly true, that it is so most commonly; and it is presumed so of every particular: at least the law knows not how to distinguish them, and therefore is a just and a wise law, conducing to the public benefit, and consequently is a good measure to the conscience.

3. Only this caution is to be inserted, that if a minor make a contract, as if a young man under sixteen, or a maiden under fourteen, make a contract of marriage, although this is not valid in law till their years of consent be completed; yet if they have a mature judgment otherwise than the law did presume them to have, they are tied in conscience to verify this contract, if all these conditions were observed, which could make the act valid in the law of nature, because no civil law can evacuate a natural; and where they are naturally able, they are, by their own act, under that law, naturally obliged: but this, although it be an essential consideration as to conscience, yet it is wholly extrinsical to this rule.

4. But there is one distinction more, of use to the explication of this rule. Laws founded upon presumption are either laws of favour or laws of duty. Those that are made in favour, may be made use of only when that supposition upon which it is founded is really true,—but must not be used to the prejudice of any, whether it be true or false. And of this nature, or reducible to it, is the case that Cicero "de Oratore" speaks of. A Roman citizen, supposing his only son to be dead, declares a kinsman to be his heir. The son afterwards appears; and, by a true presumption that if his father had supposed him living, he would not have disinherited him, is relieved against a false presumption, which supposed him dead.—And it hath left a stain upon the honour of David's justice and friendship with Jonathan, that when he had listened to the false information of Ziba against his friend's son Mephibosheth, and gave the land to the informer; he yet, upon a right notice of the cause, restored but half. For this cause, say the doctors of the Jews, God divided his kingdom, and gave the bigger half from his grandchild Rehoboam to his servant. But if the laws be matter of duty, and enjoin something that is good or useful to the public, whether the presumption be right or wrong, they do oblige: and the reason is, because the presumption, whether it was in fact or in caution, yet it was not the whole foundation of the law; or if it was alone built upon it at first, yet it is supported by other arguments strong enough to affirm the law. If a law were made in England, that whoever comes not to Divine service in public churches, should be punished by a mulct of twenty pounds a month, the fine of recusancy,—upon a presumption that he that is absent, is so indeed, this law were as much incumbent upon them that are not recusants; for although the law was at first made upon that presumption, yet, because otherwise it commands a very good act, which alone and without the presumption were a sufficient inducement to the law, the conscience of those who are, and those who are not, in the first presumption are equally obliged.

RULE V.

Human Laws do bind the Conscience to or from an Act in secret as well as in public.

1. SOME things are secret or private in their own nature, such as are only the prerogative of God to judge of; as the word of the mind, the thoughts of the heart, the desires and repudiations of the affections, the inclinations and tendencies to an object, love and hatred, the pleasures or displeasures of the fancy, acts of judgment and understanding. These God only knows, and he only punishes. Others are secret, but yet they are such only by accident, and for want of proof; and these also are more or less; for some are seen by one witness, and some by more; and they that are seen, either are brought to judgment, or not. Now according to the parts of these distinctions, this rule is, in several manners, to be verified.

2. (1.) Those actions which were done in secret, but under the observation of a few, when they are brought to judgment change their nature, and become public; and therefore are equally under the power of the law, as if they were done in the market. For in the law, that is called notorious, which is either declared in judgment, or proved by witnesses, or evident by the intuition of the fact. And that actions, in this sense, at first, secret,—are subjicible to laws, is clear by the very examination of witnesses, and the whole process of law. For the judge takes notice of no other notoriety: if a judge sees a thing done, he cannot punish it; he must witness it, and another punish it. All that is notorious to the judge, must be first secret, and then public; that is made manifest or notorious by witnesses and sentences of judges.

3. (2.) Some actions are secret, because they can be proved only by one witness. Now it is true, that, in some cases, one witness is sufficient, as in the case of treason; or in case of confession, for his own witness against himself is as good as ten thousand, when it is so, it is "manifestum" as before, and therefore the same thing is to be affirmed of it. But if it be a secret, so that it cannot be competently proved, it is true that the law does not punish it, but it fain would; and therefore declares that the private action is a disobedience and transgression.

4. (3.) If the action be done wholly in secret, then indeed the criminal judges take no notice of it, any more than a man abiding in the city does of his country-house on fire before he knows of it; but as one is an unknown calamity to the man, so the other is an unknown transgression of the law. For that the thing is known or unknown, it alters the case as to the punishment, yet nothing at all as to the offence, the scandal only excepted and the example. Now that the law does intend to forbid such actions, it appears by the acts of scrutiny, and the proceedings against such as come accidentally to be discovered. If a suspicion do arise, or any probability, any fame or rumour, the law begins her process, somewhere by torture, somewhere by examination upon oath, and sometimes gives sentence upon conjectures. Now if to this it be replied, that "this is the beginning of publication, and the law proceeds only in proportion to its being public;" I answer, that it is true, she can proceed no otherwise: and therefore, if the question here had been, whether secret actions were punishable by human laws, I should have answered otherwise, and so the lawyers dispute it: but here the inquiry being whether, the conscience being obliged, I am to say that the publication of it does not make it to be a sin; this reveals the action, and the law declares or makes it to be a sin: for a man is not hanged for theft, unless he be discovered; but if he be, then it is for his theft he is punished, not for his discovery. The consequent of which is this; that if the action be against the law, be it ever so secret, it is a sin; and here is the advantage of the wisdom and economy of God in the verification of human laws; he confirms the laws of men, and he binds in heaven what they bind on earth, and he also knows in earth what is done in the most secret corner, and judges accordingly.

5. (4.) But as for those things, which are secret in their own nature, such which are not only not known, but not cognoscible by human laws and judicatories,—the case is much more difficult; it being generally taught by divines, that no human laws have power to prescribe internal acts: and consequently that whatever we think or wish, so we do the thing that is commanded, the law of man is satisfied.

Question, Whether human laws can command or forbid inward acts?

6. But having, as well as I could, considered the secret of this thing, I rest finally upon this account. It being certain and confessed, that the laws of man have power to constitute actions of themselves indifferent, into the order of virtue and vice, making that to be incest which before the law was not, and that to be theft which in other countries is lawful, and so in other instances;—if the law does change the action only so as to make it merely to be an instance of obedience or disobedience, then the law hath no power over internal actions: for man is not the lord of consciences and minds, and we are not tied to obey any man commanding an internal act; his judicatory here is not competent, his authority is not sufficient. For it serves no end of the public, and it hath no judicatory, no cognizance, and no interest: and it were as foolish as for a king to sit upon the strand and command the waters not to flow to his feet. But if the law of man have changed an action not only to an instance of obedience or disobedience, but placed it also in the order of some other virtue or vice, as by changing it to incest, or adultery, or chastity, or temperance, respectively, then the law of man hath power over the conscience even in the most secret act; not directly, and by the energy of its own power, but indirectly, collaterally, and by accident, by reason of the laws of God. The reason is plain: because it is not lawful to commit adultery,

or murder, or incest, in our heart; the law therefore, that constitutes this action and makes it to be murder, does consequently oblige the conscience not so much as to desire it. "Voluntas facti origo est, quæ ne tunc quidem liberatur, quum aliqua difficultas perpetrationem intercepit. Ipsa enim sibi imputatur, nec excusari poterit per illam perficiendi infelicitatem, operata quod suum fuerat:" so Tertullian:[l] "The will is the original of action; and is not freed, when she is hindered from doing what she would. Her own act is imputed to her; for though no event succeeded, yet she did all her part." Thus in the canon law,[m] the inquisitor of heretical pravity is excommunicate, if, either out of hatred or hope of gain, he condemn the innocent,—or, for love and favour, absolve the criminal: upon which the gloss observes, that "the superior can punish the sin of the heart, though it never proceed to action;" and to this gloss Panormitan and Adrianus do consent. Now if it be objected, that "here is an action external complicated with the internal, and that the law proceeds against that, not against this;" I answer, that it is certain the law cannot proceed to sentence against the internal, unless it be, some way or in some degree, public: but that which I affirm is, that the law forbids the internal, or commands it, and that, in case the action be placed in the rank of virtue or vice distinct from the mere obedience or disobedience, and this is a pregnant instance of it; for the condemning the innocent is, therefore, the more forbidden and the more condemned, because it is presumed to proceed from hatred. And therefore Cato argued well in behalf of the Rhodians, against whom it was moved in the senate that a war should be made, because they had some little conjectures, that they were not well affected to them; and because some of the Rhodians had moved that they might help Perseus the king of Macedonia, in case peace could not be obtained for him; Cato made an oration in their behalf, affirming it to be unreasonable to punish them, because they had a mind once to have made a war. But this was therefore well said of Cato, because there was no proof that the Rhodians did intend it, and secretly or openly decree it. If they had intended it, it was penal; and when the intention had been proved, it might have been more reasonable to proceed to punish their breach of friendship. And thus the Rhodians themselves confessed, that the Romans warred justly with Perseus for intending a war against them; but he so intended it, that he did something towards it; but no city, no nation, would destroy them who did nothing towards the evil which they secretly intended. "Quis hoc statuit unquam, aut cui concedi sine summo omnium periculo potest, ut eum jure poterit occidere, à quo metuisse se dicat, ne ipse posterius occideretur?" said Cicero; "He indulges too much to his fear, and destroys the public, that will kill any man whom he is pleased to fear, or say that he would first kill him."—And the reason of that is, because there can be no sufficient proof of the secret thought, without it break forth at least into words and decrees and preparations. But "Injuriam facit, qui facturus est," said Seneca. If it appears he was about to do a mischief, he is guilty; his secret was criminal: and that is it, which is punished as often as it can.

7. And this is more evident in the civil law,[n] where the very thought of ravishing a virgin is punished. It is true, this thought was declared by the attempt or address to it: but because it was not consummate, it is evident that human laws bind to more than to or from the external action. The law that punishes the criminal before he hath acted the evil, punishes the internal principally: for in the address and first preparations nothing is done but the discovery of the thought; but when the thought is so discovered, and the action is not done, if the man be punished, it is not for the action, but for the thought. And to this purpose is that of Cicero, in his oration "Pro T. Annio Milone," "Nisi forte, quia perfecta res non est, non fuit punienda: perinde quasi exitus rerum, non hominum consilia legibus vindicentur. Minus dolendum fuit, re non perfectâ; sed puniendum certe nihilo minus:" "Not to punish the fault, because the mischief was not done, is as much as to say, that the laws are not avengers of evil purposes, but of evil events only. Indeed if the mischief be not done, we grieve the less; but if it was but intended, we punish it never the less."—And to this Seneca in his controversies gives testimony: "Scelera quoque, quamvis citra exitum subsederunt, puniuntur."—The same with that of Periander: Μὴ μόνον τοὺς ἁμαρτάνοντας, ἀλλὰ καὶ τοὺς μέλλοντας, κόλαζε, "Not only those that do, but those that would sin, are to be punished."—And to this sense all those laws which punish the affection, though the effect follows not, are to be understood.[o]

8. But this is also further manifest in the differences of chance-medley, manslaughter, and wilful murder; where the action being wholly differenced by the thought of the heart, proves plainly, that the thoughts also are punished by human laws ever when they are manifest. And if the divines and lawyers would distinguish in this question the punishment from the crime, the court external from the court of conscience, they would not err in this article. For although a man's thoughts without some external action are not punished, because they are not known; yet they could not be punished when they are known, if they were not punishable and criminal in themselves even against the laws of man. And therefore when Ulpian[p] had said, "Cogitationis pœnam nemo patitur:" Accursius adds, "Si statum in finibus cogitationis est:"—"No man can be punished for his thought;"—that is, if it proceeds no further; for then it is known to none but God.

9. Upon this account we find sometimes, in laws, commands expressly enjoining the internal action.

[l] De Pœnit.
[m] Clementin. 1. sect. Verum de Hæreticis.
[n] Lib. si quis non dicam rapere, cap. de Episcopis et Clericis.
[o] Cap. pro humani, Sect. Sacri, de homicidio, 1. 6. et l. quisquis, C. ad legem Juliam majestatis; et cap. 1. de schismaticis, Sect. omnem, l. 6. et l. Fugitivus, ff. de verborum Signif. l. Divus, ff. ad leg. Cornel. de Sicariis.
[p] Lib. 18. ff. de Pœnis lib. Fugitivus, ff. de Verbor. Signific.

Thus when the council of Lateran had complained of some clerks and prelates, that either wholly omitted their office, or said it negligently, it adds, "Hæc et similia sub pœnâ suspensionis penitus inhibemus, districte præcipientes in virtute obedientiæ, ut divinum officium nocturnum pariter et diurnum, quantum eis dederit Deus, studiose celebrent pariter et devote;" viz. that "they say their office diligently and devoutly;" which because it is an act of the heart as well as of the outward man, it gives a clear evidence in this inquiry. But above all is that novel of Justinian,[q] which the late Greek books have brought to light, it never having been noted by the Latin interpreters;—in which the emperor commanded, that insolvent debtors, who, by misfortune, not by their crimes, were made poor, if they swore their insufficiency,—were to be freed from all further trouble; and the creditors that refused to obey the edict, should pay ten pounds of gold; and διὰ μόνην ἐνθύμησιν, "for their mere thought" of doing otherwise should be put to death.—I end this with the saying of the Jewish doctors: "Quicquid sapientes vetant palam fieri, id etiam in penetralibus vetitum est;" "Whatever the wise men forbid to be done in public, the same must be understood to be forbidden in your closet." It was the saying of Rabbi Bachai.

RULE VI.

Human Laws, before sufficient Promulgation, do not oblige the Conscience.

1. As the faults of subjects are not cognoscible without publication; so neither are the wills of princes. "Leges sacratissimæ, quæ constringunt hominum vitas, intelligi ab hominibus debent," says the law.[r] But in this there is no difficulty: all that is made is in the assignation of the sufficiency of the promulgation. A Spanish lawyer, Selva, and he alone,—so far as I have heard or read, affirms the very solemn edition of it and declaration in the court or counsel to be sufficient. But as he speaks it wholly without reason, so he is to be rejected without further trouble. Others require one proclamation in one or more places, according to the greatness of the province or jurisdiction; but it can never be agreed positively how much is enough. Therefore, so far as our consciences can be concerned in it, these following propositions are certain, and they are sufficient.

2. (1.) It is not necessary, that laws, in their promulgation, be so divulged, as that the notice of them reach every single subject. Not only because, in most laws, all persons are not concerned, but also because it is morally impossible; I mean, in a great province, where the laws are commonly of greatest concern, and the promulgation more to be regarded and more diligently endeavoured. For laws of men are not like the sun, searching into all corners; but as the law itself is such as regards that thing, which happens most commonly, so the promulgation is of a symbolical nature, and can arrive but to most persons.

3. (2.) In all princely and sweet government there must be such a publication of laws, as must be fit to minister to the public necessity and the public duty, that the laws be no snares, but piously intended, prudently conducted, sufficiently communicated, and reasonably exacted with abatement of all those deficiencies which are incident and unavoidable to mankind; so that,—if what be in council judged sufficient for promulgation, do not prove so in the event of things, and in the province,—the defect be put upon the insufficient publication, not upon the account of disobedience.

4. (3.) Be the publication legally sufficient, or not sufficient, it is certain that the conscience is not tied by the law, till it be known. I do not say but that the prevarication may be justly punished, because the law may be published as well as is morally possible, or prudently and civilly is required, and yet some may inculpably be ignorant of it. But be it so or otherwise, it is impossible that they, who know not of it, can obey; and if they cannot, they cannot be obliged: for that is no law, but madness, which obliges a man to that which is impossible.

5. (4.) The care and sufficiency of publication are wholly incumbent upon the lawgiver, not at all upon the subject; that is, the subject is not bound to seek after the law, but only to see that he do not turn his ear from it, or studiously decline it, or endeavour to be ignorant. For a law, though it be for good to the public, yet to the particular being a restraint upon our natural or political liberty respectively, no man is bound to seek his own fetters, or put the burden upon his own neck, but to wear it well when it is imposed: but to refuse to hear is the first act of disobedience; but to hear is the first instance of obeying; therefore till he hath heard he is obliged to nothing. This hath no limitation or exception but this:—If the subject hath heard there is a law, he is bound to inquire after it; for then it is sufficiently published: the lawgiver hath done his duty. But before he hath heard, it is to him as if it were not: and that which is not, cannot be numbered, cannot be accounted for. The first is sufficient to oblige him; he is bound, because he knows the will of the lawgiver hath bound him: but then he must inquire for his own sake; for otherwise, he cannot perform his obligation.

6. (5.) Although as to conscience, the former measures are certain, yet the legislator hath power to declare, when the promulgation is sufficient for the nullifying of all contracts intervening or evacuating privileges, and changing all exterior events of law; because the being of all these depends upon the will of the prince, and of his law. Only when this is reduced to practice, in the matter of contracts, if they were valid by the law of nature, he that did contract, is obliged to stand to it, if the other requires it; but if it be his own advantage, he is bound to quit it, if the other recedes and makes use of his advantage. For the law can tie him to suffer in-

[q] Novel. 135.

[r] L. Leges, C. de Legib. et Constit.—Vide etiam authent. ut factæ novæ Constit. de Benefic. q. 22. n. 14.

convenience for the public interest, but not to do any evil. Thus if Titius contract with Mævius to carry twenty tun of wheat from Sicily to Rome, and before the contract a prohibition of such contracts was legally published, and yet he heard not of it; he is bound to obey it: but if Mævius, who is like to be the gainer, stand upon his right of justice and natural consent, Titius must make him amends, but he must not transport the corn. But this is in case they be not both subjects of the same prince. And the reason of this is plain, because the stranger hath a natural right by justice and stipulation, but the subject hath a law upon him; therefore the other is not tied to quit that, but the subject must obey this; not to do an injury, for no law can oblige him to that; but to suffer one that is tolerable and is outweighed by the public advantage. But if they be both the subjects of the same law, the law that forbids one to make the contract, does also, by implication, forbid the other to exact that which is illegal. So that although the law cannot disoblige Titius from verifying a contract, that is valid in the law of nature; yet Mævius can remit his right, and the law can tie him to that.

7. This holds in all things, where the parties can give consent to the invalidating of the contract. But sometimes they cannot, and then the rule of conscience is, "Standum est juri naturali," Whatever was ratified by nature and religion must remain for ever. The council of Trent makes a law, that all clandestine marriages shall be null: she publishes the law, and declares it from a certain time to be valid. A poor vinedresser in the Valtoline hears nothing of it, but gets the daughter of his master the farmer with child after contract "per verba de præsenti." The law is urged upon him; the parties are both threatened, and are in that fright willing to recede. But they were told by a prudent confessor, that they could not consent to any such separation; and he told them truly. For in marriage there is a necessitude contracted by a law of nature, and not only a mutual right transmitted to each other, but there is a band of religion, a sacramental tie, or relation that God hath joined, and no man can put asunder. But until the contract is passed so far as that it is become a marriage in the law and state of nature, the prohibition ought to prevail upon them.

8. Lastly, In privileges there is no difficulty, because the law is not bound to give any at all; and therefore may restrain them at any time, without giving a reason. Thus if a law were made, that all illegitimate children, that were born after the death of the emperor Maximilian, should be incapable of a prebend or benefice in a church; he that heard not of the law might justly be put out after solemn investiture. For no man is injured, because he hath not a favour done him.

RULE VII.

That a Law should oblige the Conscience, does not depend upon the Acceptation of the Law by the People.

1. This rule hath suffered great prejudice, not only by the contrary opinion of the civilians and canonists, who in very great numbers oppose it, but by all persons almost who live under governments democratical, or do not well consider the powers and consequents of government. But the case in short is this:

2. All governments in the world did either begin right or wrong. If right, it was by Divine appointment, or by the multiplication of the posterity of a patriarch, and the αὔξησις, "increase" of paternal government. This is the natural way, and this is founded upon natural reason, and a Divine commandment. This hath in it no evil, and no question: and it is just the beginning of monarchy, it produces no other government.

3. But if the government comes not this way, it comes in wrong. Either from tumults, by necessity and evil experience, being forced to permit and establish an order and government; or directly by war and violence; or else in the destitution of a governor, when all are left to themselves, and none hath power over them, they may do what they list, and order things as they please, and part with as much power as they think fit, and keep some to themselves, and confound all politic principles, and divide power, as two earnest disputants do divide the truth when they have torn her in pieces, each part running away with that share that comes next his hand.

4. Now from these beginnings of government, several republics and principalities have been established; and when it happened that any famous government entered the wrong way, they became exemplary to others in their polity and in their principles, and made their actions become rules to others. Thus it was that the Roman people, keeping the legislative power in their own hands, made kings, and consuls, and officers, at their pleasure, but their consent was always demanded when a law was to be made, as is affirmed by Asconius Pedianus "in Orationem pro C. Cornelio," and by Badæus and Zasius.[s] These laws were made in a convocation of the people in thirty courts, and were called Curiatæ, as is affirmed by Suetonius "in Augusto," and in Cicero in his epistles to Lentulus; they were also called "Populars" by Cicero in his Orations. Now this people so largely reigning over the world, and being exemplary by their wisdom and their laws, did easily transmit this license unto the people of most nations, who needed but little teaching to bridle the power of their princes, to which they were but too much tempted by that "libido regnandi," that "lust of empire" which possesses the greatest part of the world; and by their own strength, which they often made their kings to feel, and would not lend to them in their needs but upon hard conditions.

[s] In lib. 2. ff. de Origine Juris.

Add to all this, that many princes have been gentle and kind, and many wise, and would not put a bridle upon such an untamed beast without their own consent: not only that they might obey more willingly, but lest they should not obey at all, as knowing it to be better that they should be ruled as they please, than not at all.

——Libertatis servaveris umbram,
Si, quidquid jubeare, velis—— LUCAN.

This fantastic liberty the people would seldom be without, and they must have what they were resolved on; for when they please, they are all kings.

5. Upon the account of these and some other causes, it is come to pass, that, in many places, laws have their binding power only by the consent of the people; in their tribes and courts, or by their representatives, or by their manners and customs; and from hence come these sayings of some very wise men; "Lex nullam vim obligandi habet nisi ex more;" so Aristotle:[t] and "Leges promulgatione constitui, firmari autem usu," says Gratian: and the civil law expressly,[u] "Ipsæ leges nullâ aliâ causâ nos tenent quam quod judicio populi receptæ sunt;" "The reception and approbation of the people is the only firmament and sanction of the law."—Now that the civil law says it, it was "ex more Romanorum;" among the old Romans it always was so: and Aristotle speaks at the rate of him who had been bred under the popular government of the Greeks, and therefore it is no wonder that any of them speaks so: but as for the words of Gratian, Laurentius and the archdeacon expound them to mean that the laws receive from the use of the people "firmitatem stabilitatis, non auctoritatis;" that is, "de facto," they are made more firm and lasting by the consent and manners of the people, but not "de jure," more obliging; according to that of Tertullian:[x] "Neque civis fideliter legi obsequitur ignorans quale sit quod ulciscitur lex. Nulla lex sibi soli conscientiam justitiæ suæ debet, sed eis à quibus obsequium expectat: cæterum suspecta lex est quæ probari se non vult; improba autem, si non probata, dominetur:" "A citizen does not faithfully obey that law, (meaning of going to war,) who knows not what that is which is to be punished. For that a law is just, is owing in part to him that is to obey it. That law is to be suspected, which will not endure a trial; but if, being tried, it be rejected, it cannot prevail without injustice."—

6. Having now, by this narrative, laid open the secret and foundation of this opinion, and prevented the objections that can be made, the rule is certain and easy. The consent of the people gives no authority to the law; and there is no way necessary to the sanction and constitution, save only to prevent violence, rebellion, and disobedience. But because I am not writing rules of policy, but rules of conscience, I am to say, that if the legislative power be in the prince, that is, if he be supreme, he is to decree the law; but wherever the authority be, that authority is derived from God, and is only less than he: and although a horse sometime cannot be ruled without strokings and meet and gentle usages, yet, for all that, his rider is his master: and he that said, "Obey them that have the rule over you, and submit yourselves to every ordinance of man for the Lord's sake, whether to the king, as to the supreme,"—&c. did not appoint the supreme to rule by a precarious power; and if he who hath authority, makes a just law, either the people are bound to accept the law, or they despise the authority. And indeed it is a contradiction in the terms, that a law be imposed, and yet that it be no law of itself; that is, that the effect of the cause should be a necessary condition in the cause itself; and that its own work is nothing unless what it does work give it force. It must be a law, before they accept it; and if it be a law, they are bound to accept it; and therefore their accepting cannot make it a law.

7. In popular governments, the people have their suffrages in the legislative; but then it is, because they govern: but when they have not the legislative, he that hath it, must not ask them leave to use it, when God hath given him power. They indeed who suppose kings to be trustees and ministers of the people, have some pretence (if they suppose true) to affirm the acceptation of the people to be necessary. But yet if they did suppose true, it were indeed a pretence, but no more. For when the king is chosen, and is by the people (that I may use the expression of Tiberius) "tantâ tamque liberâ potestate instructus," invested with a princely power, and the legislative; he, by himself or by his senate, according to the constitution of the province, is to make the law, and to punish them that break it, and not to ask them if they will please to obey it. "Lex instituitur, cum promulgatur," says the Authentic: and therefore whosoever does not obey, whether it be a single person, or a multitude, they sin against God; it is obedience in a single person, and rebellion in the multitude. All which is true with the provisos of the former rules, that the laws be, upon all their just accounts, in all other things, obligatory.

8. This rule does also fail in all arbitrary conventions and precarious governments; in such which have no coercitive power, but what is by voluntary concession; such which can convene and dissolve at pleasure, as colleges and fraternities. For as they meet at pleasure, so they must be governed as they please: their power comes not from God, but from man; and their authority is equivocal.

9. Some insert one case here, saying, that "If a law be refused by the greater part of the people, then single persons are excused, because it is to be supposed that the prince cares not that single persons observe the law, since so little will serve no interest."—But if this were true, yet there is in it so much caution to be used, so many provisos, and so much probability to the contrary, that it were as good that it were not true; for it cannot give rest or peace to the conscience. For, 1. Whether the prince do secretly give leave or no, is a presump-

[t] Lib. 2. Polit. cap. 6.
[u] Sect. Leges, dist. 4. lib. de quibus ff. de Legibus.
[x] Apolog. cap. 4.

tion of infinite uncertainty. 2. The contrary may very well be supposed; for he that is troubled at the rebellion of many, will not give leave to one to disobey. 3. If these few single persons do submit, they become good examples, and are confessors for the reputation of the king's wisdom and authority. 4. What is evil in the whole, is so in every particular; because the people is but an aggregate body of single persons. 5. "We must not follow a multitude to do evil:" and all rebellion is of that nature, that it is "as the sin of witchcraft;" and who would be a witch, because all the country is so? 6. He that partakes of other men's sins, shall also partake of their punishment. Upon these accounts I judge it very unsafe for any single person to resist a just law of a just superior, upon hope of escaping in the crowd. But this rule[y] is only true when the law is just and good for public profit and usefulness of the people. For if it be an unreasonable law, it binds not as a law, but as by promise and contract; that is, it does not bind by the sanction of the law, but the acceptation of the people. And so the ancient lawyers are to be understood; "Lex præcepti tollitur, si moribus utentium non recipitur;" "The obligation of the law is taken off, unless it be received into the manners of the subjects." But the instance tells in what sense this is true. The pope and council[z] cannot command continence to a certain sort of persons after promotion against their wills; "quia continentia est res, quæ potest persuaderi, imperari autem non;" "because continence is a thing that may be persuaded, but not commanded." The matter of the law is to be ordered according to the measures of the third rule; but supposing that, this rule is certain.

RULE VIII.

Human Laws of indifferent Matter do not oblige the Conscience of the Subjects out of the Dominions of the Superior.

1. "Extra territorium jus dicenti, non paretur impunè," is a famous saying in the canon law; "A man may safely disobey the law of his prelate, if he be out of the diocess." And the reason is, because beyond his diocess he hath no jurisdiction;[a] and beyond his jurisdiction a prince hath no power. "Lex est jus proprium civitatis," saith the law;[b] "The law hath no power beyond its own city."—Thus anciently, in the province of Canterbury, the people did not fast upon St. Mark's day; but if they were within the province of York, they were tied to the common law, or custom of the church besides. Thus also it is in maritime places, especially in places of public trade and merchandise: if the several subjects should keep the several laws of their own princes, it would cause great confusion and disorder upon the place of trade; and since it is certain that strangers must live by the laws of the country where they sojourn, it is certain they are not tied to the laws of their own because they may be contrary.

2. (1.) But this hath divers limitations. For, 1. It does not hold in the substantial matters of religion, where the religions of the country differ. It is not lawful for a subject of England to go to mass in a foreign country; not only upon supposition that the office is suspicious or to be blamed by the measures of the Divine law; but if the laws of our country have, upon other prudent and just considerations, forbidden it. The sons of the church of England, professing under the government episcopal, may not lawfully communicate in the Huguenot churches with them that believe episcopacy to be antichristian or unlawful, because this does relate to the evil and detriment of those laws, and that government, and that authority, under which we still are tied. But in the ceremonial and ritual part of religion, where the religion is the same, we are not tied abroad to our country-customs. A subject of the church of England may stand at the holy communion, or eat it in leavened bread, if he come into protestant countries that have any such custom: and the reason of this is, because the contrary would give scandal, to which our own laws neither do nor can oblige abroad; and if any be offended at our different ceremonies at home, he must look to it; we are not concerned in any thing but to obey our superior, and quietly to render a reason to our brethren.

3. (2.) This rule does not hold in such laws, which are the specification of the Divine laws. Thus if a subject of England should be in Spain, and there see his daughter dishonoured, or his wife consent to her shame, and take her in adultery; he may not kill her, though in Spain it be lawful for them to do it. The reason is, because she is not a subject of Spain, but hath an habitual relation to England, and therefore it is murder, if it be done by an English subject. Concerning all his own subjects, the prince of the country and the legislative is to give limits to the indefinite laws of God; and the reason is that which St. Paul gives, because he who hath "the rule over them, is to give an account of their souls." Every law, therefore, is to acquit or condemn her own subjects: and therefore if a Spaniard does dishonour the bed of an English subject in Spain, it is lawful there to kill him; because his own prince's law condemns him, and gives leave to the injured person to be executioner. All these particulars rely upon the same reason.

4. (3.) This rule does not hold, when, though the subject be abroad, yet the action does relate to his own country. Thus it is not lawful abroad to coin or counterfeit the money of his country, to rail upon his prince, to prejudice his subjects, to violate his honour, to disgrace his nation, to betray the secrets and discover the counsels of his prince: because the evil, done out of the territory, being an injury to them within, is as if it were done within. When the dispute was between the Athenians and Thebans about their confines, and the parties stood at a little distance, disputing and wrangling about

[y] Rule 3.
[z] Panormit. cap. Cum Olim. de Cleric. Conjug.
[a] Cap. 2. de Constitut. n. 6.
[b] Lib. Omnes Populi de Justitiâ et Juri.

the breadth of an acre of ground, Timotheus shoots an arrow, and kills a young Theban gentleman. The Thebans demand, that Timotheus be put to death by the laws of Athens, as being their subject: they refuse to do so, but deliver Timotheus to the Thebans, giving this reason, He shot the arrow within the Athenian limit, but it did the mischief within the territory of Thebes: and where the evil is done, there and by them let the criminal be punished. Being abroad is no excuse in this case. If a subject shoots an arrow into his own country, though he bent his bow abroad, at home he shall find the string.

5. (4.) If the action be something to be done at home, the subject abroad is bound to obey the summons of the law. When Henry II. of England commanded all prelates and curates to reside upon their dioceses and charges, Thomas Becket, of Canterbury, was bound in conscience, though he was in France, to repair to his province at home. The sum of all is this: A law does not oblige beyond the proper territory, unless it relate to the good or evil of it. For then it is done at home to all real events of nature, and to all intents and purposes of law. For if the law be affirmative, commanding something to be done at home, at home this omission is a sin: "Qui non facit quod facere debet, videtur facere adversus ea quæ non facit," saith the law: The omission is a sin there where the action ought to have been done. But if the law be negative, "qui facit quod facere non debet, non videtur facere id quod facere jussus est." He that does what he is forbidden to do, is answerable to him who hath power to command him to do it.[c]

6. This rule thus explicated is firm; and is to be extended to exempt or privileged places, according to that saying of the lawyers, "Locus exemptus habetur pro extraneo;" "He that lives in an exempt place, lives abroad."

7. By the proportions of this rule it is easy to answer concerning strangers, whether they be bound by the laws of the nation where they pass or traffic. For in all things, where they are not obliged by their own prince, they are by the stranger; and that upon the same account; for if they who are abroad are not ordinarily bound by the laws of their country, (except in the cases limited,) it is because the jurisdiction and dominion of their prince go not beyond his own land; and in such cases the place is more than the person: but, therefore, it must go so far, and be the person what he will: yet, in the territory, he is under the law of that prince. He is made so by that place. It is "lex terræ," "the law of the land," in which he is: and "in the peace of that he shall have peace," as God said to the Jews concerning the land of their captivity.

[c] Lib. qui non facit ff. de Regulis Juris.

RULE IX.

Obedience to Laws is to be paid according to what is commanded, not according to what is best.

1. WHEN Lacon was fighting prosperously, and had prevailed very far upon his enemies, it happened that a retreat was sounded, just as he was lifting up his hand to smite a considerable person; he turned his blow aside and went away, giving this reason to him that asked him why, "It is better to obey than kill an enemy."—But when Crassus, the Roman general, sent to Athens, to an engineer, a command to send him such a piece of timber towards the making of a battery, he sent him one which he supposed was better; but his general caused him to be scourged for his diligence: and Torquatus Manlius, being consul, commanded his son not to fight that day with the enemy; but he, espying a great advantage, fought and beat him, and won a glorious victory, for which he was crowned with a triumphant laurel, but for his disobedience lost his head. It is not good to be wiser than the laws; and sometimes we understand not the secret reason of the prince's command, or the obedience may be better than a good turn, or a better counsel; which is very often ill taken, unless it be required. "Corrumpi atque dissolvi officium omne imperantis ratus, si quis ad id, quod facere jussus est, non obsequio debito, sed consilio non desiderato, respondeat," said Crassus in A. Gellius.[d]

2. Thus also it is in the observation of the Divine commandments: when God hath declared his will, and limited our duty to circumstances and particulars, he will not be answered by doing that which we suppose is better. We must not be running after sermons, when we should be labouring to provide meat for our family: for besides that it is direct disobedience in the case now put, there is also an error in the whole affair; for that which we think is better than the commandment, is not better: and this God declared in the case of Saul, "Obedience is better than sacrifice." No work is better than that which God appoints.

3. This is to be understood so that it is not only left to our liberty, but it is also rewardable, for the subject to prevent a commandment, and to excel the measures of the law in the matter of a commandment, when to do so we know will be accepted, and is to the pleasure and use of the prince. Thus Astyages preferred Chrysantas before Hystaspes, because he did not only obey as Hystaspes did, but understood the mind of the prince, and when he knew what would please him, did it of his own accord. But then this is upon the same account, it is obedience, only it is early and it is forward.

4. This also is to be added, that if the choice of the subject, differing from the command of the prince, be very prosperous and of great benefit, the prince does commonly, "ex post facto," allow the deed; that is, he does not punish it. P. Crassus Mutius and T. Manlius did otherwise; but they

[d] Vide A. Gellium, lib. i. cap. 13.

were severe and great examples. But when it is not punished, it is not because it does not deserve it, but because it is pardoned: for if it should miscarry, it would not escape vengeance: and therefore though the prosperous event be loved, yet it came in at a wrong door, and the disobedience was criminal. Δεσπότου μέν ἐστι μόνον τὸ ἐπιτάττειν· δούλων τὸ πείθεσθαι, "Masters are to command, but the province of servants is to obey;" saith St. Chrysostom.

5. This rule is to be understood according to the intention, not according to the letter, of the law; for if the intention of it be that which is better, it is evident that is to be done which is better in the intention,—not that which is commanded in the letter. But of this in the chapter of Interpretation of Laws.

CHAPTER II.

OF LAWS PENAL AND TRIBUTARY.

RULE I.

It is lawful for Christian Magistrates to make penal Laws, not only pecuniary and of Restraint, but of Loss of Member and Life itself.

1. Whatsoever is necessary, is just; that is, that must be done, which cannot be avoided: and therefore the power of the magistrate in punishing the transgressors of their laws of peace, and order, and interest, is infinitely just;[a] for, without a coercitive power, there can be no government, and without government there can be no communities of men; a herd of wolves is quieter and more at one than so many men, unless they all had one reason in them, or have one power over them. "Ancus Rex primus carcerem in Romano foro ædificavit, ad terrorem increscentis audaciæ," says Livy: "King Ancus seeing impiety grow bold, did erect a prison in the public market." When iniquity was like to grow great, then that was grown necessary. And it is observed that the Macedonians call death, Δάνος, from the Hebrew word Dan, which signifies a judge, as intimating that judges are appointed to give sentences upon criminals in life and death. And therefore God takes upon himself the title of a King and a Judge, of a Lord and Governor; and gives to kings and judges the title of gods, and to bishops and priests the style of angels.[b]

2. But here I will suppose, that magistracy is an ordinance of God, having so many plain scriptures for it: and it being by St. Paul[c] affirmed, that "he beareth not the sword in vain," and that they who have done evil, ought to fear; and of himself he professed that if he "had done aught worthy of death, he did not refuse to die;" and a caution given by St. Peter, that christians should take care that "they do not suffer as malefactors;" and it being made a note of heretics, that they are "traitors," that they are "murmurers," that "they despise dominion," that "they speak evil of dignities;" and that we are commanded to "pray for kings and all that are in authority," for this reason, because they are the appointed means that men should "live a peaceable and godly life;" for piety, and peace, and plenty too, depend upon good governments: and therefore Apollo Pythius told the Lacedemonian ambassadors, that, if they would not call home Plistonax their king from banishment, and restore him to his right, they should be forced to till their ground with a silver plough; that is, they should have scarcity of corn in their own cities, and be forced to buy their grain to relieve the famine of their country: for so the event did expound the oracle; they grew poor and starved, because they unjustly suffered their king to live in exile. Add to these, that we are often commanded to "obey them that have the rule over us;—to be subject to every ordinance of man;—that rulers are not a terror to good works, but to the evil;"—and many more to equal purposes.

3. Neither ought the precept of charity and forgiveness, which Christ so often, so earnestly, so severely presses, evacuate the power of princes. For the precept of forgiving offenders, does not hinder parents from correcting their offending children; nor masters from chastising their rebellious servants; nor the church from excommunicating them that walk disorderly; these things rely upon plain scriptures, and upon necessity, and experience; and they do evince thus much without any further dispute, that some punishment may stand with the precept of forgiveness; or at least, if he who is injured may not punish without breach of charity, yet some one else may. And if it be permitted to the power of man to punish a criminal without breach of charity, the power of the magistrate must be without all question; and that such a power can consist with charity, there is no doubt, when we remember that the apostles themselves, and the primitive churches, did deliver great criminals over "to the power of Satan, to be buffeted, even to the destruction of the flesh, that their souls might be saved in the day of the Lord." St. Paul delivered Elymas to blindness, and St. Peter gave Ananias and Sapphira to a corporal death.

[a] Nemo sibi putabit turpe, quod alii fuit fructuosum. Patereul. lib. ii. in princ.

[b] 1 Tim. vi. 15. Psal. lxxxii. 6.

[c] Rom. xiii.

4. But the great case of conscience is this: Although all punishments less than death may, like paternal corrections, consist with charity, (for they may be disciplines and emendations,) yet in death there is no amendment; and therefore to put a man to death "flagrante crimine," before he hath mortified his sin, or made amends for it; that is, before it is pardoned, and consequently to send him to hell, —is the most against charity in the world, and therefore no man hath power to do it: for God never gave to any man a power to dispense justice to the breach of charity; and that dispensation which sends a man to hell, is not for edification, but for destruction.

5. To this I answer, (1.) That it is true that whatsoever is against charity, is not the effect of justice; for both of them are but imitations and transcripts of the Divine attributes and perfections, which cannot be contrary to each other. But when the faults and disorders of mankind have entangled their own and the public affairs, they may make that necessary to them, which, in the first order and intention of things, was not to be endured. Thus we cut off a leg and an arm to save the whole body; and the public magistrate, who is appointed to defend every man's rights, must pull an honest man's house to the ground, to save a town or a street: and peace is so dear, so good, that for the confirming and perpetuity of it, he may commence a war, which were otherwise intolerable. If therefore any evil comes by such ministries of justice, they who introduced the necessity, must thank themselves. For it is necessary it should be so: though it be but a suppositive and introduced necessity; only he that introduced it is the cause of the evil, not he that is to give the best remedy that he hath.

6. (2.) No man is to answer for an accidental effect that is consequent to his duty: "In omni dispositione attenditur quod principaliter agitur," says the law;[d] "I am to look to what is principally designed, not what accidentally can happen." If I obey God, it is no matter who is offended. If I see that my neighbour will envy me for doing good, and his eye will be evil because I am good,—I am not to omit the good, for fear his soul perish; when my good is rather apt to do him good than evil: he is to answer for it, not I, for nothing that I do makes him evil; he makes himself so by his own choice. There are many men that turn the grace of God into wantonness, and abuse the long-suffering and patience of God, and turn that into occasions of sin, which God meant for the opportunities and endearments of repentance; but if God should leave to be gracious to mankind in the same method, out of charity and compliance with the interest of the souls of such miserable persons, as they would be never the better, so the other parts of mankind would be infinitely the worse.

7. (3.) It is true that charity is the duty of every christian; but as all christians are not to express it in the same manner, so there are some expressions of charity which may become some persons, and yet be the breach of another's duty: and some may become our wishes, which can never be reduced to act; and because that is all we can do, it is all we are obliged to do. When Vertagus was condemned to die for killing the brother of Aruntius Priscus, the poor father of the condemned man came and begged for the life of his miserable son; but Priscus out of the love of his murdered brother, begged with the same importunity that he might not escape; and both their effects were the effects of charity. The charity of a prelate and a minister of religion is another thing than the charity of a prince. A mother signifies her love one way, and a father another; she, by fondness and tender usages,—he, by severe counsels and wise education; and when the minister of religion takes care concerning the soul of the poor condemned man, the prince takes care that he shall do no more mischief, and increase his sad account with God. The prince and the prelate are, both of them, curates of souls and ministers of godliness; but the prince ministers by punishing the evil doer, and rewarding the virtuous,—and the prelate by exhortation and doctrine, by reproof and by prayer, by sacraments and discipline, by the key of power and the key of knowledge. The effect of this consideration is this; that the magistrate, by doing justice in the present case, does not do against charity: because he does minister to charity in the capacity and proper obligation of a magistrate, when he does his own work, which being ordained for good and not for evil, the office is then most charitable and most proper for him, when he ministers to charity in his own way that God hath appointed him. By his justice he ministers to the public good, and that is his office of charity. That is his work; let others look to their share.

8. (4.) The cutting off a malefactor is some charity to his person, though a sad one; for besides that it prevents many evils, and forces him to a speedy recollection, and a summary repentance, and intense acts of virtue by doubling his necessity; it does also cause him to make amends to the law; and that oftentimes stands him in great stead before the tribunal of God's justice, "paulum supplicii satis est Patri;" God is sometimes pleased to accept of a small punishment for a great offence; and his anger many times goes not beyond a temporal death, and the cutting off some years of his life.

9. (5.) That which concerns the magistrate is, that he be just and charitable too. Justice of itself is never against charity; but some actions of supposed charity may be against justice. Therefore the magistrate in that capacity is tied to no charity but the charity of justice, the mercies of the law; that is, that he abate of the rigour as much as he can, that he make provisions for the soul of the criminal, such as are fit for his need, that if he can delay, he do not precipitate executions. In what is more, the supreme, the lawgiver, is to take care, and to give as much leave to the ministers of justice as can consist with the public interest. For here it is that there is use of that proposition, that all men are not tied to all the exterior kinds and expressions of charity, but as they are determined accidentally. It will not be supposed that the judge is uncharitable if

[d] Lib. Si quis nec causam, ff. si certum petatur.

he do not preach to the condemned criminal; or if he do not give him money after sentence, or visit him in prison, or go to pray with him at the block; these are not the portions of his duty: but as his justice requires him to condemn him; so his charity exacts of him as judge nothing but the mercies of the law.

10. (6.) That which is necessary to be done, is not against any man's duty, or any precept of christianity. Now that some sorts of persons should be put to death is so necessary, that if it were not done it would be certainly, directly, and immediately a very great uncharitableness; and the magistrate should even in this instance be more charitable than he can be supposed to be in putting the criminal to death. For a highway thief and murderer, if he be permitted, does cut off many persons who little think of death; and such as are innocent as to the commonwealth, are yet very guilty before God: for whose souls and the space of whose repentance there is but very ill provision made, if they may live who shall send many souls to hell, by murdering such persons who did not watch and stand in readiness against the sad day of their sudden arrest. If all such persons were to be free from afflictive punishments, the commonwealth would be no society of peace, but a direct state of war, a state most contrary to governments; but if there were any other less than death, the galleys, and the mines, and the prisons, would be nothing but nurseries of villains, which by their numbers would grow as dangerous as a herd of wolves and lions: and if ever they should break into a war, like Spartacus and his rabble, who knows how many souls should be sent to hell for want of time to finish their repentance?

11. (7.) If the condemned criminal had never any time to repent, if he had never thrown away any opportunities of salvation, he had never come to that pass; and if he have, who is bound to give him as much as he will need? And if it be unlawful for a magistrate to put a criminal to death that hath not sufficiently repented, then no villain shall ever die by the public hand of justice; and the worse the man is, the longer he shall live, and the better shall he escape: for in this case, if he resolves privately that he never will repent, he hath blunted the edge of the sword, and weakened the arm of justice for ever, that she shall never strike.

12. (8.) God hath given a commission to magistrates which they must not prevaricate: if therefore a criminal falls under the rods and axes of the consuls, who are God's ministers for good to them that do well, and for evil to them that do evil; it is not the magistrate who is to be blamed, but the hand of God that is to be revered, who by this hand cuts him off, and, it may be, therefore thus cuts him off, because he will give him no longer time. However, the magistrate is to look to his rule, not to rare and accidental events, which are only in the power of the Divine Providence, and not in the will of the man, to prevent.

13. (9.) No man can say, that a condemned criminal, that makes the best use of his time after sentence, or after his just fears of it, or after the apprehension of the probabilities of it, shall certainly be damned for want of more time. For as no man knows just how much time is necessary, so neither can he tell how deep the repentance of the man is, nor yet how soon God will return to mercy. Therefore upon so great uncertainties, and the presumption and confidences relying upon such a secret, to omit a certain duty is no way allowable. It is true there are, amongst some wise and pious persons, great fears in this case; but fear is very good, when it is made use of to good purposes, to obstruct the course of sin, but not the course of justice. And some men fear in other cases very bad; which yet ought not to be made use of to preserve the lives of murderers. Some fear that all papists shall be damned, and some say that all protestants are in as bad condition; and yet he that thinks so, would suppose the case too far extended, if it might not be consistent with charity to put (for example's sake) the gunpowder traitors to death, till they had changed their religion. Whatsoever we fear, we are to give our brethren warning of it, while it is time for them to consider; but these doubtful disputes must not be used as artifices to evacuate the purposes and defensatives of laws. And since the magistrates cannot know what the sentence of God concerning such persons shall be, they may hope well as readily as ill, and then there is no pretence to arrest the sentence beyond the prudent and charitable periods of the law.

14. (10.) No change in government, no alteration of laws, no public sentences, are to be made or altered upon the account of any secret counsel of God; but they are to proceed to issue upon the account of rules, and measures of choice, and upon that which is visible, or proved, that which is seen and heard, that which God commands and public necessities require; for otherwise there can be no rule, no orderly proceedings, no use of wise discourses, but chance and fear and irregular contingencies must overrule all things.

15. (11.) The magistrate gives sentence against criminals for single acts, not for vicious habits; for concerning these he hath nothing to do; and if the criminal perish for these, it is only chargeable upon his own account. But if, by the hand of justice, he dies for a single act,—the shorter time, that is usually allowed to those that are appointed to die, may be so sufficient, that, if the criminal make full use of it, his case is not so desperate, as that the objection can prevail: for if there be nothing else to hinder him, it may be very well; but if there be any thing else, that he, and not the magistrate, was first to have considered; for himself knew of it, the magistrate did not.

16. (12.) Every man that lives under government knows the conditions of it, those public laws, and the manners of execution; and that he who is surprised in his sin by the magistrate, shall be cut off like him, who, by a sudden sickness, falls into the hands of God. It is a sudden death,[e] which every man ought to have provided for; only in this case it is more certain, and to be expected: and he that

[e] See the Doctrine and Practice of Repentance, chap. 5. sect. 5.

knows this to be his condition, if he will despise the danger, when he falls into it, cannot complain of the justice of the law, but of his own folly which neglected life, and chose death and swift destruction.

17. Though from these considerations it appears, that the pretence of charity cannot evacuate that justice, which hath given commission to all lawful magistrates, and warrant to all capital sentences, and authority to all just wars, in which it is more than probable many will be killed that are not very well prepared; yet this power of inflicting capital punishments must not be reduced to act in trifling instances, for the loss of a few shillings, or for every disobedience to command: it must not be done, but in the great and unavoidable necessities of the commonwealth. For every magistrate is also a man; and as he must not neglect the care and provisions of that, so neither the kindnesses and compassion of this. Nothing can make recompence for the life of a man, but the life of a better, or the lives of many, or a great good of the whole community. But when any of these is at stake, it is fit the innocent be secured by the condemnation of the criminal. And this was excellently disputed by Cicero[f] in his argument against Calenus upon this very question: "Hoc interest inter meam sententiam, et tuam: ego nolo quemquam civem committere, ut morte multandus sit: tu, etiamsi commiserit, etiam conservandum putas. In corpore si quid ejusmodi est, quod reliquo corpori noceat, uri secarique patiamur; ut membrorum aliquod potius, quam totum corpus intereat: sic in reipublicæ corpore, ut totum salvum sit, quidquid est pestiferum, amputetur. Dura vox, multo illa durior: Salvi sint improbi, deleantur innocentes, honesti, boni, tota respublica." —Cicero would have no citizen deserve to die; but Calenus would have none die though he did deserve it. But Cicero thought it reason, that "as in the body natural we cut off an arm to save the whole; so in the body politic we do the same, that nothing remain alive that will make the other die. It is a hard sentence, it is true, but this is a harder: Let the wicked be safe; and let the innocent, the good, the just men, the whole commonwealth, be destroyed."

18. This we see is natural reason, but it is more than so; it is also a natural law, expressed and established by God[g] himself: "He that sheddeth man's blood," in man, or "by man shall his blood be shed:"—which words are further explicated by the Chaldee paraphrast; "Qui effuderit sanguinem hominis cum testibus, juxta sententiam judicum sanguis ejus fundetur;" "He that sheds the blood of man with witnesses, his blood shall be shed by the sentence of the judge." For the majesty of the supreme prince or judge

——justi
Vim terroris habet, procul an propè, præsto vel absens:
Semper terribilis, semper metuenda, suoque
Plena vigore manet, nullique impunè premenda
Creditur, et semper cunctis, et ubique timetur;

said Guntherus[h] with greater truth than elegance: "He hath the force of a just terror in all places, at all times, and upon all persons."—And, in pursuance of this law, all communities of men have comported themselves, as knowing themselves but ministers of the Divine sentence; and that which is the voice of all the world, is the voice of nature, and the voice of God. The sum of these things I give in the words of St. Austin: "Non ipse occidit qui ministerium debet jubenti, sicut adminiculum gladius est utenti. Ideo nequaquam contra hoc præceptum fecerunt, quo dictum est, 'Non occides,' qui Deo auctore bella gesserunt, aut personam gerentes publicæ potestatis, secundum ejus leges, hoc est, justissimæ rationis imperium, sceleratos morte puniverunt." They who make just wars, and those public persons, who, according to the laws, put malefactors to death, do not break the commandment which says, "Thou shalt not kill." For as the sword is not guilty of murder, which is the instrument of just executions, —so neither is the man that is the minister of the judge, nor the judge who is the minister of God; Θεοῦ διάκονος ἔκδικος εἰς ὀργήν, "God's minister of revenge and anger;" and by fear to restrain the malice of evil men, and to prevent mischief to the good, is the purpose of authority and the end of laws. So Isidore:[i] Factæ sunt leges, ut earum metu humana coerceatur audacia, tutaque esset inter improbos innocentia, et in ipsis improbis formidato supplicio refrænaretur nocendi facultas." Fear is the beginning of wisdom, and fear is the extinction and remedy of folly; and therefore the laws take care by the greatest fear, the fear of death, to prevent or suppress the greatest wickedness.

RULE II.

Penal Laws do sometimes oblige the guilty Person to the suffering the Punishment, even before the Sentence and Declaration of the Judge.

1. THAT this is true concerning Divine laws is without peradventure, not only because the power of God is supreme, mere, absolute, and eternal, and consequently can oblige to what, and by what measure, and in what manner, and to what purposes, he please; but also because we see it actually done in the laws and constitutions both Mosaical and evangelical.

2. He that struck out an eye or tooth from a servant was bound to give him liberty;[k] that is, as his servant was a loser, so must he that caused it: the man lost his tooth, and the master lost the man; he gains his liberty, that lost an eye. Now that this was to be done by the master himself without compulsion from the judge, is therefore more than probable, because God, who intended remedy to the injured servant, had not provided it, if he left the matter to the judge, to whom the servant could have no recourse without his master please; and if he give him leave to go, it is all one as doing of it himself, for he that gives leave that himself be com-

[f] Philippic. viii. [g] Gen. ix. 6.
[h] Lib. 4.
[i] Lib. 4. Etymol. cap. 21. et habetur. dist. 4. can. factæ sunt leges.
[k] Exod. xxi. 25, 26.

pelled, first chooses the thing, and calls in aid from abroad to secure the thing at home. But therefore God bound the conscience of the man, tying him under pain of his own displeasure that the remedy be given, and the penalty suffered and paid under the proper sentence of the obliged criminal.

3. To the same purpose was that law made for him, that lies with a woman in the days of her separation—he shall be unclean until the evening; now that this was not to be inflicted by the judge, but that the guilty person should himself be the executioner of the penalty, is therefore certain, because by another law concerning the same legal uncleanness, it was decreed that the fact shall be capital, that is, if it come before the judge: of which I have already given account.[l]

4. Thus also God imposed upon him, that ate of the holy things unwittingly, the burden of paying the like, and a fifth part besides, for punishment of his negligence and want of caution.[m] This himself was to bring, together with the price of redemption or expiation. Now this being done against his will, might also be done without the observation of any other; and yet upon the discovery he was thus to act his own amends and penalty.

5. And indeed the very expense of sacrifices, to the bringing of which the criminals were sentenced by the law, is sufficient demonstration of this inquiry; for it was no small burden to them, and diminution of their estates, to take long journeys, and bring fat beasts and burn them to the Lord; but to this they themselves were tied,[n] without injunction from the priest, or sentence from the judge. And this appears, because they were tied to a distinct punishment if the matter fell into the judge's hand: they were in case of theft to restore four-fold: but if they had sinned in this instance, or in any other that men commit, they were bound to come and confess it, and shall recompense the trespass with the principal thereof, and add a fifth part to him against whom they have trespassed. This the Jews call "confessionem super peccato singulari,"[o] a special confession of a sin; to which because the sinner was sentenced by the law, and had a lighter amends appointed him if he did it voluntarily, but a much heavier if he came before the criminal judge; it follows plainly, that God tied these delinquents to a voluntary or spontaneous susception of their punishment. It was indeed an alleviation of their punishment; for the criminal was bound to confess, say the Jewish doctors, and say when the beast goes to sacrifice, thinking as if he were going as the beast is, "O Domine, ego reus sum mortis, ego commeruissem lapidari propter hoc peccatum, vel strangulari propter hanc prevaricationem, vel comburi propter hoc crimen;" "O Lord, I am guilty of death, I have deserved to be stoned, or strangled, or burnt alive, for this crime," according as the sin was: but his being the executioner of the Divine sentence in the lesser instance, did prevent the more severe and intolerable condemnation.

6. For indeed such are the mercy and dispensation of God: God's law decrees evil to him that does evil; if we become executioners of the law of God and of his angry sentence, we prevent the greater anger of God; according to that of St. Paul,[p] "Judge yourselves, brethren, that ye be not judged of the Lord." If we humble ourselves, God will exalt us; if we smite, he will spare; if we repent, he will repent: but therefore, in these cases between God and us, it is so far from being a grievance, that we become executioners of the sentence decreed by law against us, that though it be an act of justice in God to oblige us to it, yet it is also a very great mercy. For as in the law of Moses, the spontaneous susception of the punishment did prevent the heavier hand of the judge from falling on him; so in the evangelical law, it prevents the intolerable hand of God. So that in relation to the law of God it is an action of repentance; and repentance being a penal or punitive duty, he that was tied to bring in his own oblation, to make his own amends, to confess willingly his sin, was in effect tied to nothing but to a voluntary repentance.

7. And thus it is also in some proportion in human laws. For by these premises thus much is gained, that to oblige the criminal to a spontaneous suffering of the punishment, appointed by the laws of a just superior, is not naturally unjust; and it is not always intolerable; and it may be very reasonable: and it may be a design of mercy, or at least a very apt ministry of justice: and therefore, there can be no reasonable objection against it, but that, upon just account, and in just measures, and for great reason, and by the proportions of equity, it may be done in human laws.

8. For, (1.) Whatsoever is not against the law of nature, nor the law of God, may be done or enjoined to be done by the laws of man; for the power of magistrates is the next great thing to God and nature. Now concerning this, we have security not only from the foregoing instances, but from the law of Christ concerning divorce upon the instance of adultery: the offending party loses his or her right respectively over the body of the other, and cannot lawfully demand conjugal rights. The injurious person may beg for pardon and restitution; but is unjust, if he require any thing as duty. The woman loses her rights of society, and the man of superiority, in case they be adulterous; and if they do not quit their former rights, and sit down under their own burden, and minister the sentence of God by their own hands, they sin anew: every such demand or act of dominion is iniquity and injustice; it is an act of an incompetent power; and, therefore, under pain of a new sin, they must not act under it.

9. (2.) A man can inflict punishment upon himself. Thus Zaccheus, in expiation of his sins, offered half his goods to the poor, and restitution fourfold; which was more than he did need: for if his confession and restitution were spontaneous, he was tied only to the principal, and the superaddition of a fifth part, as appears above. But he chose the punishment, even so much as the judge himself could have inflicted. Thus we read of a bishop, in the primitive ages of the

[l] Lib. 2. chap. 2. rule 3. n. 8. [m] Levit. xxii. 14. [n] Num. v. 6. [o] ויוויקל קוו כיוחד [p] 1 Cor. xi.

church, who, "quia semel tactu fœmineo sorduerat," "because he had once fallen into uncleanness," shut himself up in a voluntary prison for nine years together: and many we read of, who, out of the spirit of penance, lived lives of great austerity, using rudenesses to their bodies,—by the pain of their bodies to expiate the sin of their souls. Now whatsoever any man hath power to do to himself, that the law hath power to command him: supposing a reason or a necessity in the law proportionably great to the injunction, and to be of itself a sufficient cause of the suffering. It is true a man may do it to himself to please his humour, or for vain-glory, or out of melancholy. I do not say he does well in so doing; but that he hath power to do it, without doing injury to any one: and if he does it to himself without cause, or without sufficient cause, he does no wrong; he does no more than he hath power to do, always provided he keeps within the limits of the sixth commandment. Now although the law pretends not to this power of doing it without reason, because all the power of the law is ἐν τῷ πρὸς τὶ, "in relation to others," in commutative and distributive justice, and public and private charities: yet the same authority, which any man hath over himself in order to private ends, the law hath over him in order to the public, because he is a part of the public, and his own power over himself is in the public, as every particular is in the universal. Now the law hath a greater power than the man; for a man hath not power over his own life, which the law hath: so that whatever a man alone can do, that the law can command him to do (except it be in such things, which are wholly by God left in a man's power, and are subjected to no laws of man, and commanded by no law of God; as in the matter of single life, and other counsels evangelical): the same things, I say, though not for the same reasons. If therefore the man can upon himself inflict an evil which he hath deserved,—the law can compel him, that is, she hath competent authority to do it: and then he is bound in conscience.

10. (3.) In matters favourable, and yet of great interest, we find, that there are many events by the sentence of the law without the sentence of a judge. Thus the right of primogeniture is sufficient, ordinarily, to enter upon the inheritance without a solemn decree of court: and if we consider the reason of this, it will be of equal force in the present inquiry. For when matters are notorious, and the people willing, and it is every man's case, and there is a great necessity, and public utility, it is sufficient, when the rule is set; every man knows his part, and his way, and judges are not necessary. But when men are to blame, and there are intrigues in causes, and men will snatch at what is none of their own, and they will not understand their duty, nor judge righteous judgments in things concerning themselves and their neighbours; it is necessary that there be judges and advocates and all the inferior ministers of laws, that where the law is intricate, and men cannot judge and discern aright, or when they are interested and will not, the law may be interpreted, and their duty explained, and every man righted that otherwise would be wronged. The sentence of the judge is but accidentally necessary: for the law saying that the eldest son is heir to an intestate father, the case is plain, and who is the eldest son is notorious,—and he is willing enough to enter upon the inheritance; and therefore, besides the law in this case, there needs no sentence of the judge. Now the law is as plain in the condemnation of some crimes, and the assignation of some punishments. But because men are not willing to enter into punishment, and they are not tied publicly to accuse themselves, therefore there are judges to give sentence, and executioners appointed. And this is well enough in some cases: but because there are some cases, in which it is necessary that the laws be obeyed in private as well as in public, and yet without penalties a law is but a dead hand and a broken cord; the law annexes punishments, but is forced to trust the sinning hand to be the smiter, because the private action cannot be publicly punished, because not brought before the judge.

11. (4.) Besides this, there are some actions of so evil effect as to the public, that for detestation's sake they are to be condemned as soon as done, hated as soon as named, strangled as soon as born: and when by such a sentence the act is represented so foul, the man stands more ready for repentance, and himself is made the instrument. It is like a plain case, in which any man may be allowed to be a judge; for modesty's sake, and for humanity, every man will condemn some sins, even though themselves be the guilty persons. However, the law takes the wisest course to give a universal sentence, that as the man is αὐτοκατήγορος, so he may be αὐτοκατάκριτος, "self-accused," and "self-condemned;" and not to expect the contingent discovery, and the long deferred solemnities of law. "Some sins go before unto judgment," says the apostle, "and some follow after:" that is, some are condemned "ipso jure" by the law, and the man does "ipso facto" incur the penalty; others stay for the sentence of the judge.

12. (5.) In the court of conscience, every man is his own accuser, and his own executioner: and every penitent man is a judge upon himself; God trusts man with the infliction of punishments and hard sentences upon himself for sin: only if man fails, God will judge him to worse purposes; and so does the law. And as the impenitent people favour themselves to their own harm, for they sin against God even in their very forbearing to punish and to kill the sin; so do the impenitent disobey the law by not being their own executioners of wrath: but in both cases the conscience is obliged.

The thing therefore is just, and reasonable, and useful.

13. Now for the reducing of this to practice, and stating the cases of conscience for the subject, as I have already done for the lawgiver, I am to show,

1. In what cases the conscience of the subjects can be bound to inflict penalties upon themselves without the sentence of the judge.

2. By what signs we shall know, when the law does intend so to bind; that is, when the sentence

is given by the law, so that the sinner is "ipso facto" liable to punishment, and must voluntarily undergo it.

In what Cases the Criminal is to be his own Executioner.

14. (1.) When, to the execution of the punishment appointed by the law, there is no action required on the part of the guilty person, the conscience is bound to submit to that sentence, and by a voluntary or willing submission verify the sentence; such as are, excommunication, suspension, irregularity, and the like. Thus if irregularity be "ipso facto" incurred, the offending person is bound in conscience not to accept a benefice or execute an office, to which, by that censure, he is made unable and unapt. If a law be made, that whoever is a common swearer, shall be "ipso facto" infamous, he that is guilty, is bound in conscience not to offer testimony in a cause of law; but to be his own judge and executioner of that sentence. But this is not true in all cases, but with the provision of the following measures.

15. (2.) If the law imposes a penalty to be incurred "ipso facto," yet if the penalty be moderate, equal, and tolerable, the conscience is obliged to a voluntary susception of it, before the sentence of the judge, although the sentence be not privative, but executive; that is, though there be something to be acted by the guilty person upon himself. Thus if excommunication be incurred "ipso facto," he that is guilty of the fact deserving it, and is fallen into the sentence, is not only bound to submit to those estrangements and separations, those alienations of society and avoidings, which he finds from the duty of others,—but if by chance he be in a stranger-place, where they know not of it, and begin Divine service, he is bound in conscience to go away, to resign an ecclesiastical benefice, if he be possessed of one, and other things of the same necessity, for the verification of the sentence: and the reason is, because every act of communion or office is, in his case, a rebelling against the sentence of the law, the verification of which depends upon himself as much as upon others: for every such person is like a man that hath the plague,—all men that know it, avoid him; but because all men do not know it, he is bound in conscience to avoid them, and in no case to run into their company, whether they know him or know him not. Now because this does not oblige to all sorts of active executions of the sentence, the following measures are the limit of it.

16. (3.) The law does not oblige the guilty person to such active executions of the sentence, which are merely and entirely active; that is, which do not include a negative, or something contrary to the passive obedience. Thus if a traitor be sentenced to a confiscation of goods, and this be "ipso jure" incurred; the guilty person is not tied to carry all his goods to the public treasure, but he is tied not to change, not to diminish, not to alien, not to use them otherwise than the law permits; because if he do any thing of these, he does something against the sentence of law, which, in his case, is rebellion and disobedience. He may be truly passive and perfectly obedient to the sentence of the law, without hiring porters or waggons to carry his goods away; and the custom of the law requires it not: but if he does alien his goods, he hath not so much as the passive obedience.

17. (4.) In punishments corporal, the laws do not proceed without the sentence of the judge; except it be in the court of conscience, which is voluntary and by choice. Thus no man is "ipso jure" condemned to be hanged, or to be whipped, and no man is, by any law, bound to inflict such punishments on himself; because there is a natural abhorrency in such actions, and it is that odious part of the law, which is so much against nature and natural affection, that none but the vilest part of mankind are put to do it unto others: and therefore, because the laws do enjoin no such thing, the inquiry is needless, whether in such cases the conscience be obliged. But this is wholly depending upon the manners of men, and the present humours of the world. Amongst some nations it was otherwise; and no question but it might be so, if by circumstances and the accidents of opinion and the conversation of the world, the thing were not made intolerable. Plutarch[q] tells of Teribazus, that being arrested by the officers of death, he resisted with such a bravery as he used against the king's enemies; but being told that they were sent by the king, he presently reached forth his hands and offered them to the lictors to be bound. But this was no great matter, it was necessary; and he that is condemned to die by a just authority, owes to it at least so much that he resist not, that he go to death when he is called, that he lie down under the axe when he is commanded: so did Stilico at the command of his son-in-law, Honorius the emperor. It was more which was done by the Lithuanians under Vitoldus their king, who was brother to that Uladislaus famous for a memorable battle against the Turks; he commanded many to death, and they died without the hangman's hand, being the executioners of their king's laws upon themselves. And Sabellicus[r] tells that the Ethiopians, when their king sent a messenger with the ensigns of death, they presently went home and died by their own hands. And this was accounted among them so sacred an obligation, that when a young timorous person thought to have fled, his mother took her girdle and strangled him, lest he should dishonour his family by disobeying the law out of fear of death. This was brave; but some men cannot be willing to die, and few can well suffer it: but therefore it is hard that any one should be compelled to do it to himself. Therefore the laws of christendom are wise and gentle; and excepting that of the Lithuanian prince, who is reported to have been a tyrant, it is not enjoined by any prince or any law amongst us, that I know of. But this is not only true in active executions, but in the passive penalties, which are very violent and extreme. Thus if a man were justly condemned to be immured and starved to death, he is tied to submit to it, as not to rebel, and by violence quit himself: but he is not tied so much as to the priva-

[q] De Superstitione. [r] Lib. 2. Enno. ad. 1.

tive execution; that is, he is not bound to abstain from meat if it be brought to him. Thus we find in story of the pious Persian lady, who, to her father condemned to death by starving, gave her breasts to suck, and preserved his life; and he not at all made infamous by not dying, but had his life given as the reward of his daughter's piety.

18. (5.) Condemned persons are not tied to put themselves to death, or cut off a member with their own hands, or do execution, by doing any action, or abstaining from doing any thing, when such doing or abstaining is the sufficient, or the principal, or the immediate killing or dismembering. But to the under ministries they are tied, which cannot be done without them; that is, they are tied so far to act, as without which they cannot suffer: and this is to be extended even to the principal and immediate act of killing, if they only ordinarily can do it. Thus a condemned criminal is bound to go to execution, or suffer himself quietly to be carried; to lie down under the hangman's axe, to ascend the ladder; and it is a great indecency of dying, and directly criminal, which is frequent enough in France, and is reported of Marshal Biron, to fight with the executioner, to snatch the weapons from the soldiers, to force the officers to kill him, as a wild bull or lion is killed. But a condemned man is also tied to drink his poison, if that be appointed him by law; for though this be the immediate act of killing, to which ordinarily condemned persons are not obliged, yet because it cannot well be done by an executioner without his consent, or extreme violence, the guilty person is bound to drink it: the reason is, because the law must be obeyed, and at least a passive obedience is to be given to the severest of her sentences; and the passiveness of a man is to be distinguished from the passiveness of a beast; that which cannot be avoided, must be borne well: and therefore if a man be banished, he must go away, and not be dragged; and he that so resists the laws, that he forces her ministers to hale the criminal to death like an unwilling swine, deserves the burial of an ass or dog. But this always must suppose the laws to be just, and the power competent; for else the suffering person may consider, whether the quiet submission to it be not a verification of the sentence, or of the authority, though even in such cases it is not the hangman that is unjust, or to be resisted, but the judge or the laws; and therefore they are to be protested or declared against; for that is all which is left to be done by the oppressed person.

19. (6.) When the punishments are principally or merely medicinal, the conscience is bound to a voluntary execution of the sentence, if the law requires it. For then the laws are precepts of institution and discipline; and they are intended as mercies to the man, as well as to the public; and of mercy, every man may very well be minister. It hath in it no indecency for a man to mingle his own severe potion, or let himself blood, or lance an ulcer, and there is no more in the medicinal punishments of the law. Thus the law can command us to fast, to wear sackcloth upon the bare skin, to go barefoot, to watch all night upon a solemnity of expiation, to inflict disciplines, and the like: and for these we are to expect no other process but the sentence of the law, no judge but our consciences, no executioners but ourselves. This relies upon the former reasons, and the mere authority of the law, and the nature of the thing free from all objections.

20. (7.) All sentences of law, which declare a fact to be void, or a charge and expenses to be lost, or a privilege to cease, are presently obligatory to the conscience. "Irrita prorsus ex nunc, et vacua nunciamus," is usual in the style of laws: "et sit ipso jure irritum et inane; et careat omni robore firmitatis, non obtineat vires:" "Let it be of no force, let it not prevail, let it be void, let him want all privilege, all honour, dominion, action, or profit."—For these and the like words, say the logicians, have the force of a universal sign, and do distribute the noun that is governed by the verb; so they speak; that is, it signifies and hath force in every particular, and in every period of time; "let it want force," that is, "let it want all force," that is, "be of no use at all;" "careat" is as much as "omnino, penitus, prorsus careat."

21. (8.) But these particulars suffer one limitation. A man is not bound to suffer the penalty of the law before the sentence of the judge, though the fact be sentenced and condemned "ipso jure," if the fact be made public, and brought before the judge: because he, taking it into his cognizance, revokes the former obligation, by imposing a new; by changing the method of the law, and lessening expectation. Thus by the laws ecclesiastical, which were anciently of force in England, and are not yet repealed, "notorius percussor clerici," "he that openly or manifestly strikes a bishop or priest," is, "ipso jure," excommunicate; and to this sentence the guilty person is bound to submit: but in case he be brought before the criminal judge, and there be solemn process formed, he may suspend his obedience to the law, because the judge calls him to attend to the sentence of a man.

22. (9.) But yet this is also so to be understood to be true in all, "exceptis sententiis irritantibus," "excepting sentences of the declaring actions to be null, or privileges void." For in these cases, though the judge do take into his cognizance the particular fault, and give a declarative sentence of such a nullity and evacuation, yet the action does not begin to be null, or the privilege to cease, from the sentence of the judge, but from the doing of the fault, and the sentence of the law: and therefore if a question arises, and the judge declare in it, the nullity is only confirmed by the judge, but it was so by the sentence of the law. Now the reason of the difference in the case of nullities and evacuations from other cases is, because that which is not, hath no effect, and can produce no action; and as a citizen told the people of Athens, who, upon the first news of Alexander's death, would have rebelled, "Stay," (says he,) "make no haste: for if he be dead to-day, he will be dead to-morrow:"—so if the judge declare that such an action was null, it was null all

the way; if he says it be dead now as a punishment of the fault, it was dead as soon as the fault was done; for it died by the hand of the law, not by the hand of the judge. In other things the limitation is to be observed.

23. (10.) And this also holds, in case that it be upon any account necessary that the judge give a declarative sentence: for sometimes in regard of others, the judge must declare such a person excommunicate, or deprived, or silenced, or infamous, that they also may avoid him, or do their respective duties. But although the guilty person be in conscience regularly obliged before that declarative sentence, it being nothing but a publication of what was in being before; yet it being a favourable case, and the law not loving extremities and rigours of animadversion, it is to be presumed that the law gives leave to the guilty person to stay execution till publication. Because no man is bound directly to defame himself; which he will hazard to do, if he executes the sentence upon himself, before the judge calls others into testimony and observation of the sentence. But though the sentence may upon favourable conditions be retarded, it must at no hand be evacuated. Therefore if the judge meddle not, the man is left to the sentence of the law. And it is in all these particulars to be remembered, that "the law is a mute judge, and the judge is a speaking law." It is the saying of Cicero;[s] and from thence is to be concluded, that when the judge hath spoken, he hath said no new thing, and he hath no new authority; and therefore if the law hath clearly spoken before, she hath as much authority to bind where she intends to bind, as if she speaks by her judges.

24. These considerations and this whole question are of great use in order to some parts of repentance, and particularly of restitution. For if a law be made, that if a clerk, within twelve months after the collation of a parish-church, be not ordained a priest, he shall "ipso jure" forfeit his ecclesiastical benefice; if he does not submit to the sentence, and recede from his parish, he is tied in conscience to make restitution of all the after-profits, which he receives or consumes. So that it hath real effect upon consciences, and the material occurrences of men.

25. But then for the reducing of it to practice, I am next to account by what signs we shall know when it is "sententia lata à jure," when it is "lata ab homine;" when it is "lata," and when "ferenda:" that is, when the criminal is to attend the sentence of the judge, and the solemnities of law and execution by the appointed officer: and when he is to do it himself, by his own act or positive submission upon the sentence of the law.

Signs by which we may judge, when the Criminal is condemned "ipso facto."

26. The surest measures are these. Those laws contain "sententiam latam," and oblige the criminal to a spontaneous susception of the punishment, when (1.) the law expressly affirms, that the guilty person does "ipso facto" incur the sentence without further process, or sentence of the judge.

(2.) When the law says, that the transgressor shall be bound in conscience to pay the fine, or suffer the punishment contained in the sanction of the law: which thing because it is not usual in laws, lest I should seem to speak this to no purpose, I give an example out of the Spanish laws: for I find, in the laws of the kingdom of Castile,[t] divers instances to this purpose; particularly, after the assignation of the secretary's fee, appointing how much he may receive for the instruments of grace which he makes, it is added, "Jurent, quod observabunt ea, quæ in præcedenti capitulo ordinata sunt; et quod non accipient munera, et quod solvent pœnas, si in eas inciderint, ad quas ex nunc eos condemnamus, ità ut sint obligati in foro conscientiæ ad solvendum eas, absque hoc quod sint ad illas condemnati." And the same also is, a little after,[u] decreed concerning judges and public notaries, that they take nothing beyond their allowed fees and salaries; and if they do, they are to pay a certain fine. They are also to swear to observe that ordinance; and in case they do not, that they will pay the fines to which the law does then sentence them —that they be bound in conscience to do it without any further condemnation by the sentence of any man. Now the reason of this is, because the conscience being intrusted and charged with the penalty, must suppose only the duty and obligation of the man whose conscience is charged. It were foolish to charge the conscience, if the conscience were not then intended to be bound to see to the execution: but that could not be, if the sentence of the judge were to be expected; for that is a work of time, and will be done without troubling the conscience. Therefore the conscience, being made the sheriff or the witness with the charge of execution, supposes the whole affair to be his own private duty.

27. (3.) In censures ecclesiastical it hath sometimes been the usage of the legislator to impose a penalty, adding, that "donec satisfecerit," until such or such a thing be done, the criminal shall not be absolved: and this also is an indication that the sentence is made by the law, and is "ipso facto" incurred by the delinquent, because it leaves a secret tie upon his conscience obliging him to do it; which were needless, if the criminal judge were to be intrusted with it, for he is otherwise sufficiently intrusted with compulsories to secure the executions. Of this nature is that constitution of Innocentius,[x] describing the order for an archbishop's visitation of his own, and the dioceses of his suffragan bishops; forbidding severely him or any of his followers to receive a fee, bribe, reward, or present, "qualitercunque offeratur," "under what pretence soever it be offered," lest he be found to seek that which is his own, not that which is of Jesus Christ: adding, "Quod si fuerit contrà præsumptum, recipiens maledictionem incurrat, à quâ, nunquam nisi duplum restituat, liberetur;" "He that shall presume to do otherwise, and receive any thing, shall incur a curse,

[s] Lib. 1. Offic.
[t] Lib. 2. Ordinat. Regal. tit. 9. lib. 1.
[u] Ibid. tit. 15.
[x] 4. cap. Romana, sect. Procurationes, de Censibus, lib. 6.

from which he shall never be absolved till he have restored it twofold." This relies upon the former reason.

28. (4.) Panormitan gives this rule, that when a sentence is set down in the law in words of the present or preter tense, it concludes the sentence to be "ipso facto" incurred; for whatsoever is "ipso jure" decreed, is "ipso facto" incurred: and of this decree, the present and past tenses, says the Abbot,[y] are sufficient indication; that is, if the words be damnatory, as "Excommunicamus," "Anathemate innodamus," "We do deprive him of all rights and offices," &c.: for if the judge, using the like words, passes a sentence by virtue of those words, so does the law, there being the same reason, the same authority, the same purpose, signified by the same form of words. But if the words be of the present or past time, and yet not immediately damnatory, they do imply the sentence to be made afterwards; as "decernimus," "definivimus," "declaramus," and the like. But if these words signify only ministerially, and not principally, that is, if they be joined with other words in the present or past tense, then they declare the sentence past and "ipso facto" to be incurred; as "declaramus eum privatum dominio bonorum:" then the case is evident.

29. (5.) Of the same consideration it is, when the sentence of the law is set down with the verb-substantive "sum," of what tense soever, unless by a future participle its nature be altered. Thus if a law says, He that is absent from his parish, without just cause to be approved by his bishop, above six months, "est" or "erit infamis," "is" or "shall be infamous;" the sentence is "ipso jure lata," inferred by law, and "ipso facto" incurred; because the verb annexes the punishment to the fact without further process. But if the verb be annexed to a future participle, the case is altered; the sentence is not to be undergone, till the judge have declared it. Now this relies upon the force of the words and the proper grammatical way of speaking, which is the best way of declaring the mind of a man, or the mind of the law; unless where it is confessed that the lawgiver did not intend, or use, to speak properly or by grammar, but by rude custom. This note I have in A. Gellius,[z] "Verbum esse et erit, quando per se ponuntur, habent atque retinent tempus suum; cum vero præterito junguntur, vim temporis sui amittunt, et in præteritum contendunt." If these words be not altered, they signify just by themselves; "est" or "erit excommunicatus," or "infamis," signifies the punishment to begin as soon as the fact is done: but "est excommunicandus," that is a future that relates to another time, and stays for the sentence of the judge. But there must be something more to clear this. For if "erit" be the future tense, why shall it not as well signify, "sententiam ferendam," as "est excommunicandus;" since the verb is to be left to his own time, as well as the present tense brought thither by a future participle? Therefore to this I add, that when the verb or participle does signify the action or ministry of some other person beside the law and criminal, then it shows that the declaration of the judge is to be expected; as in "est excommunicandus," that is, "he is to be excommunicated," viz. by the sentence of his ordinary judge: but "erit infamis," or "erit excommunicatus," implies no man's action at all, but supposes the thing finished without any more to do; and then comes in the rule of Nigidius in A. Gellius before spoken of. "Infamis" signifies presently, that is, he shall be so from the doing the crime; and "excommunicatus" signifies present or past, and therefore by it the future tense shall be altered, and therefore the sentence presently incurred. But concerning this particular, who pleases to be critical and curious in minutes may delight himself by seeing seventy-five fallences, and alterations of cases by the variety of tenses expressed in words of law, in Tiraquel, in his excellent and large commentaries,[a] in the interpretation of the word "revertatur." For my own part, I am content to assign such measures as are sure, plain, easy, and intelligible. "Nobis non licet esse tam disertis."

30. (6.) The sentence of the law does presently oblige the conscience, if it be expressed in adverbs of hasty or present time; such as are "confestim, illico, extunc, extemplo," "presently, forthwith, from thenceforward," and the like: for those who appoint the punishment to be incurred without any interval of time, in effect say, that we are not to expect the dull and long-protracted methods of courts and judges, and commissions and citations, and witnesses and adjournments. "Protinus," i. e. "non expectato judiciorum ordine," say the lawyers.

Protinus ad regem cursum detorquet Hiarbas.[b]

"Forthwith," that is, without the longer methods of the court.

Nec mora, continuò matris præcepta facessit.[c]

These words and their like have present effect: and therefore do signify a present obligation of conscience. Concerning the signification of which and the like words it is hard to say, whether we are to be guided by the lawyers or by the grammarians. The lawyers are the best witnesses of sentences, and precedents, and the usages and the customs of laws; and therefore can best tell how the laws are said to bind, and what sentences they are said to contain: and because by them we are to be judged in public, if questions do arise, from them also we may take our rule in private. This seems reasonable: but on the other side, I find that lawyers themselves say otherwise; and I have seen Tiraquel much blamed, for quoting Bartholus, Baldus, and Salicetus,[d] for the signification of the word "mox," "by and by," which is of use in this present rule: because though they were great lawyers, yet they were no good grammarians; and therefore that in these cases, Erasmus and Calepine, Valla and Linacre, Cicero and Terence, Priscian and Donatus, were the most competent judges. There is something on both

[y] Cap. Cæterum, et cap. Nonnulli de Rescriptis. cap. Novit. in fine de his quæ fiunt a Prælato.
[z] Lib. 17. cap. 7 Noct. Attic.
[a] In lib. Si unquam, cap. de Revocandis Donationibus.
[b] Virgil. lib. iv. Æneid.
[c] Lib. iv. Georgic.
[d] Alph. à Castro, lib. 2. de Leg. Pœn. cap. 7.

sides, which is to weigh down each other, according as some other consideration shall determine. But therefore, as to the case of conscience, I shall give a better and surer rule than either one or other, or both: and that is,—

31. (7.) This being in matters of load and burden, by the consent of all men, the conscience and the guilty person are to be favoured as much as there can be cause for. Therefore whenever there is a dispute, whether the sentence of the law must be incurred presently, or that the sentence of the judge is to be expected: the presumption is always to be for ease, and for liberty, and favourable senses. Burdens are not to be imposed upon consciences without great evidence, and great necessity. If the lawyers differ in their opinions concerning the sentence, whether it be already made, or is to be made by the judge, let them first agree, and then let the conscience do as she sees reason. Thus if the word "mox," "by and by," be used in a sentence of law, because we find that in some very good authors it signifies with some interval of time, (as in Cicero, "Discedo parumper à somniis: ad quæ mox revertor;"[e] and "Præteriit villam meam Curio, jussitque mihi nunciari se mox venturum,"[f]) therefore we may make use of it to our advantage, and suppose the conscience of a delinquent at liberty from a spontaneous execution of a sentence of law, if for that sentence he have no other sign, but that the word "mox" is used in the law. "In pœnis benignior est interpretatio facienda," "In matters of punishment we are to take the easier part;" and that is, to stay from being punished as long as we can: and in proportion to this, Panormitan[g] gives this rule; "When the words of the law signify the time past, or the time to come, we are to understand it in the more favourable sense; and that it includes the sentence of the judge, before which the criminal is not obliged." And to this very purpose the words of infinite and indefinite signification are to be expounded: and this answers many cases of conscience, and brings peace in more; and the thing being reasonable, peaceful, and consonant to the common opinion of the lawyers, ought to pass for a just conclusion and determination of conscience.

32. (8.) After all, as there is ease to the criminal, so there must be care of the law; and therefore when a law imposes a punishment which would prove invalid, to no purpose and of no effect, unless it be of present force upon the committing of fact, —it is to be concluded, the law intends it for a "sententia lata à jure," that it presently obliges the conscience of the guilty person. The reason is, because it cannot be supposed that the law should do a thing to no purpose, and therefore must intend so to oblige as that the sin be punished. If therefore to expect the sentence of the judge would wholly evacuate the penalty, or make it insufficient to do the purpose and intention of the law; the sentence of the law must be suffered by the guilty person without the judge. And this is true, however the words of law be used, whether in the past, present, or future time, whether simply or by reduplication, whether imperatively or infinitely: such are the penalties of infamy, irregularity, nullity of actions or contracts, especially if they be of such contracts which if they once prove valid, are so for ever, as in the contract of marriage. And therefore if a law be made that a man shall not marry her, whom, in her husband's lifetime, he had polluted: this must be supposed to be meant of nullifying the contract before it is consummate; that is, it is a sentence which the criminal must execute upon himself: for if he does not, but "de facto" marries the adulteress, and consummates the marriage, it will be too late to complain to the judge; for he cannot annul the contract afterwards.

[e] Lib. i. de Divin. [f] Epist. ad Attic.
[g] Cap. in pœnis de Reg. Jur. lib. 6.

RULE III.

Penalties imposed by the Judge must be suffered and submitted to; but may not, after such Sentence, be inflicted by the Hand of the condemned.

1. The first part of this rule hath in it but little difficulty; for there is only in it this variety: in all punishments that are tolerable, that is, all but death, dismembering, or intolerable and extremely disgraceful scourgings, and grievous and sickly imprisonments, we owe not only obedience to the laws, but reverence and honour; because whatsoever is less than these, may, without sin, and without indecency, and without great violations of our natural love and rights, be inflicted and suffered.

2. But the other evils are such, as are intolerable in civil and natural account; and every creature declines death, and the addresses and preparations to it, with so much earnestness, that it would be very unnatural and inhuman not to allow to condemned persons a civil and moral power of hating and declining death, and avoiding it in all means of natural capacity and opportunity. A man may, if he can, redeem his life with money, but he must not corrupt justice: a man may run from prison if he can, but to do it he must not kill the jailer; he may escape death, but he must not fight with the ministers of justice: he may run away, but he must not break his word; that is, he may do what is in his natural capacity to avoid these violences and extremities of nature, but nothing that is against a moral duty. "Non peccat quisquam, cum evitat supplicium, sed cum facit aliquid dignum supplicio;" "He that avoids his punishment, sins not, provided that in so doing he acts nothing else worthy of punishment:" so St. Austin.[h]

3. This relies also upon a tacit or implicit permission of law; for in sentences given by judges, and to be executed by the ministers of law, the condemned person is not commanded, nor yet trusted with the execution, and it is wholly committed to ministers of purpose: and therefore the law supposes the condemned person infinitely unwilling, and lays bars, restraints, guards, and observators,

[h] Lib. de Mendac. cap. 13.

upon him; from all which if he can escape, he hath done no more than what the lawgiver supposed he was willing to do, and from which he did not restrain him by laws, but by force. But if to fly from prison, or to decline any other sentence, be expressly forbidden in the law, or if it be against his promise, or if a distinct penalty be annexed to such escapings, then it is plain that the law intends to oblige the conscience, for the law cannot punish what is no sin; it is in this case a transgression of the law, and therefore not lawful. But because the law hath no punishment greater than death, it cannot but be lawful for a condemned man to escape from prison if he can, because the law hath no punishment to establish a law against flying from prison after the sentence of death. And if it be said, that if a prisoner who flies, be taken, he hath more irons and more guards upon him, and worse usage in the prison; that is matter of caution, not punishment, at least not of law: for as for the jailer's spite and anger, his cruelty and revenge, himself alone is to give accounts.

4. But now for the other part of the rule, there is some more difficulty; which is caused by the great example of some great and little persons,[l] who to prevent a death by the hand of their enemies, with the additions of shame and torment, have laid violent hands upon themselves. So did Zeno and Chrysippus, Cleanthes and Empedocles, Euphrates the philosopher and Demosthenes, Cato Uticensis and Porcius Latro, Aristarchus and Anaxagoras, Cornelius Rufus and Silius Italicus. The Indians esteemed it the most glorious way of dying, as we find in Strabo,[k] Olympiodorus,[l] and Porphyry;[m] and Eusebius tells, that most of the Germans did use to hang themselves. And amongst the Romans, they that out of shame of being in debt, or impatience of grief, killed themselves, might make their wills, and after death they stood, "manebant testamenta, pretium festinandi," saith Tacitus,[n] that was "the price of their making haste." Plato discoursing of this question, said, Οὐ μέντοι ἴσως βιάσεται αὐτόν· οὐ γὰρ φασι θεμιτὸν εἶναι, "Peradventure a man must not do violence to himself, for they say it is not lawful." Upon this Olympiodorus discoursing on these words, reckons five cases in which the Stoics held it lawful to kill themselves. 1. For public good; 2. For private necessity, to avoid a tyrant's snare; 3. In cases of natural madness; 4. When the body is intolerably afflicted; 5. and lastly, In extreme poverty. And the Greeks commended a Pythagorean woman, who being asked why she and her sect did not eat beans, she said, she would rather eat them than tell: but being commanded by a tyrant to eat them, she said, she would rather tell than eat them: but in fine she cut out her tongue, because she would neither taste nor tell. Thus Seneca tells of a prisoner, that being to be exposed to beasts in the theatre, he broke his neck in the spondyls of the wheel upon which he was drawn to the spectacles; and of another that died by a pertinacious holding of his breath. But that of Samson, and Saul, and Razis, are also brought into example; and are alleged to prove, that a man may, a few hours or days, hasten his death, if, by so doing, he takes the lighter part. St. Chrysostom[o] tells of St. Pelagia: "Pelagia virgo, quindecim annos nata, sponte sibi necem maturavit: parata quidem erat ad cruciatus tormentaque et omne suppliciorum genus perferendum: sed metuebat tamen ne virginitatis coronam perderet:" "Being a virgin of fifteen years of age, of her own accord she hastened death unto herself: she was indeed ready to have suffered all sorts of most exquisite torments, but she was not willing to lose the crown of her virginity." Upon which fact of hers, he thus discourses: "Hence you may perceive, that the lust of the wicked hangmen struck fear into Pelagia, and therefore from their injurious lust the maiden removed and snatched herself: for if she might have kept the crown of her virginity, and receive the crown of martyrdom besides, she would not have refused the judgment-seat; but because it was altogether necessary to lose the one of them, she had a just cause, by her own voluntary death, to prevent so great an injury."—And St. Ambrose[p] writing to his sister Marcellina, expressly commends those virgin-martyrs, who, to prevent their ravishments, did hasten their death by voluntary precipices, or drowning; and particularly allows the fact of Pelagia. To which I add also, St. Jerome,[q] who, though he gives express testimony to the rule, yet he excepts the case of chastity: "Non est nostrum mortem arripere, sed illatam ab aliis libenter excipere: unde et in persecutionibus non licet propriâ perire manu, absque eo ubi castitas periclitatur, sed percutienti colla submittere:" "We must not snatch death with our own hands, but willingly receive it when it is imposed by others; and therefore, in persecutions we must not die by our own hands, unless it be when our chastity is in danger:

—— heu quanto melius, vel cæde peractâ,
Parcere Romano potuit fortuna pudori. LUCAN.

In other cases we must lay down our necks under him that strikes." And this seems reasonable, because, as the emperor said,[r] "Viris bonis metum istum [pudicitiæ amittendæ] majorem esse debere quam ipsius mortis;" "He that fears to lose his chastity, fears more justly than he that fears to lose his life."

5. To this I answer, that the case is indeed very hard; and every one in this is apt not only to excuse, but to magnify, the great and glorious minds of those who, to preserve their honour, despised their life. And therefore, when the Muscovites broke into Livonia, and in their sacking of the city of Wenden, used all manner of cruelties and barba-

[l] Vide Diogen. Laert. in Zenon.—Alexander Aphrodis. in 2. de Animâ.—Lucian. in Macrob.—Galen. 5. de Loc. Affect. —Plutarch. in Pericle.—Suidas.—Plin. lib. 1. ep. 12.
[k] Lib. 15.
[l] In Phædon. Platon.
[m] Περὶ ἀποχ. ἐμψ. 4.
[n] Annal. 6.
[o] Vide Front. Ducæum tom. 1. S. Chrysost. n. 628.
[p] Lib. 3. de Virgin.
[q] In cap. 1. Jonæ, in hæc verba, Mittite me in mare.
[r] Sect. quod si ff. quod Metus Causâ.

rous immanities to men and women, filling all the streets and houses with blood and lust; a great many of the citizens running to the castle, blew up themselves with their wives and children, to prevent those horrors and shames of lust which they abhorred more than death. Now Laurentius Muller,[s] who tells the story, says, that although the preachers of Riga did in their pulpits condemn this act of the women and maidens, yet the other Livonians and the Muscovites themselves did not only account it sad and pitiable, but excellent and admirable. And so the author of the books of Maccabees commends the fact of Razis as glorious and great: but yet this does not conclude it lawful; for it is upon no account lawful for a man of his own accord to kill himself.

6. St. Austin[t] denies to him the praise of magnanimity: "Magis enim mens infirma deprehenditur, quæ ferre non potest duram corporis sui sanitatem, vel stultam vulgi opinionem;" "It is not greatness, but littleness of spirit, it is either impatience or pride, that makes a man kill himself to avoid trouble to his body, or dishonour to his name amongst fools." I suppose he had it from Josephus,[u] who excellently and earnestly proves it to be cowardice to lay violent hands upon ourselves; and both of them might have it from Aristotle,[x] who will not allow it so much as to be brave and magnanimous for a man to kill himself for the avoiding of any evil: Τὸ δ' ἀποθνήσκειν, φεύγοντι πενίαν, ἢ ἔρωτα, ἢ τι λυπηρὸν, οὐκ ἀνδρείου, ἀλλὰ μᾶλλον δειλοῦ, "To die that we may avoid poverty, the torments of love, or any evil affliction whatsoever, is not the part of a valiant man, but of a coward."

> Hostem cum fugeret, se Fannius ipse peremit.
> Hic, rogo, non furor est, ne moriare, mori?
> MARTIAL.

Fannius, being pursued by the enemy, killed himself for fear. It may be cowardice to die in some cases; and to die to preserve our chastity, is to sin to avoid a sin, like Fannius's case of fear,

> —— mortisque timorem
> Morte fugant; ultroque vocant venientia fata:[y]

or as St. Chrysostom's expression is: Πρὸ τοῦ ναναγίου ναναγίῳ περιβάλλειν σεαυτὸν, καὶ πρὶν ἢ δέξασθαι πληγὴν ἀποθνήσκειν τῷ δέει· "To die before the wound is given, and to leap into the sea for fear of a shipwreck:" it is to do violence to our body to preserve it chaste, to burn a temple to prevent its being profaned. And therefore it is no just excuse to say the virgin-martyrs did it, lest they should lose their crown of virginity: for though I shall not urge the example of Abraham, who rather ventured his wife's chastity than his own life; yet this I say, that she that loses it by violence, is nevertheless a virgin before God, but much more a martyr. But then if any one can suppose it fit to be objected, that if they lost their material virginity, there was danger, lest, while they were abused, they should also be tempted, and consent: I suppose it will be sufficient to answer, that a certain sin is not to be done to avoid an uncertain; and yet further, that this could not be considerable in the case of the martyrs: for besides that it is supposed that they were infinitely fortified by the grace of God, their austere lives and holy habits, the rare discourses of their spiritual guides, their expectations of particular crowns, the great reputation and honour of virgins, and the spirit of chastity, which then very much prevailed; besides all this, I say, they had then (particularly St. Pelagia, and the virgins which St. Ambrose speaks of) the sentence of death not only within them, but upon them; and the immediate torments, which they expected after ravishment, were a very competent mortification for any such fears. And therefore, as we should call it cowardice or impatience for a man to kill himself, that he may die an easy death, and prevent the hangman's more cruel hands; so it is a foolish and unreasonable caution, and a distrust of the sufficiency of the Divine grace, to rush violently to death, lest we should be dishonoured or tempted in another instance: and it is not bravery, but want of courage; μαλακία γὰρ τὸ φεύγειν τὰ ἐπίπονα, it is "softness and effeminacy by death to fly the labours" of a sadder accident, says Aristotle.[z] But be it this or not, it is certain it is something as bad.

7. (1.) It is directly against the commandment: "And it is not for nothing that in all the canonical books we find no precept, no permission from God," saith St. Austin,[a] "ut vel adipiscendæ ipsius immortalitatis, vel ullius carendi cavendique mali causa, nobismet ipsis necem inferamus. Nam et prohibitos nos esse intelligendum est, ubi lex ait, non occides:" "that either for the gaining of immortality itself, or for the avoiding of any evil, we should kill ourselves." —It is something like this which Aristotle says:[b] Τὰ μὲν γάρ ἐστι τῶν δικαίων, τὰ κατὰ πᾶσαν ἀρετὴν ὑπὸ τοῦ νόμου τεταγμένα, οἷον οὐ κελεύει ἑαυτὸν ἀποκτείνειν ὁ νόμος· ἃ δὲ μὴ κελεύει, ἀπαγορεύει. "Those things which the decrees have appointed agreeable to virtue, those are to go for laws; as for example, The law does not command any man to kill himself, and because the law does not command, therefore it does forbid:" that is, because the law commands no man (though he be condemned) to kill himself, therefore the law forbids him to do it to himself; the law will not make a man executioner even of her sentence, therefore she permits him not to execute his own. But St. Austin adds beyond this, "For then we were forbidden to do it, when God said, 'Thou shalt do no murder.'" And therefore it is observable, that although God said, "Thou shalt not bear false witness against thy neighbour;" yet he did not in this commandment add that clause of "contra proximum," nor in that of adultery; intimating, that we must neither pollute nor destroy our own bodies, any more than the body of our neighbour.

[s] Histor. Septentr.
[t] Exposit. in Johan. tract. 52. et lib. 19. de Civit. Dei.
[u] Bell. Judaic. lib. 3. cap. 25.
[x] Lib. 3. Ethic. cap. 7. et lib. 5. cap. ult.
[y] Metamorph. l. vii. fab. 25.
[z] Ubi supra. [a] Lib. 1. cap. 20. de Civit. Dei.
[b] Eth. Nic. 5. cap. 11.

8. (2.) To prevent the hand of justice or of tyranny in striking, is sometimes to prevent the hand of God in saving, and is an act of desperation against the hopes of a good man, and the goodness of God: for help may come in the interval. Caius the emperor commanded some to be put to death, whom he presently after infinitely wished to have been alive; the haste of the executioners destroyed the men more than the rage of the prince: and it is all one if the man himself be hasty. And Pontanus tells, that when Angelus Ronconius was accused to Pope Nicholas V. that he had given way to Aversus whom the pope's forces had enclosed, and gave leave to him to pass over the Tiber, the pope commanded him to be proceeded against according to law; but when he rose in the morning, and told his ministers he would more maturely consider the cause of Ronconius, they told him he was that very night put to death, which caused extreme grief to the pope. Concerning a man's life, all delay is little enough; and therefore for himself to hasten it is against prudence, and hope, and charity.

9. (3.) The argument of Lactantius[c] is very good: "Si homicida nefarius est, qui hominis extinctor est, eidem sceleri obstrictus est qui se necat;" "If he that kills another is a wicked homicide, so also is he that kills himself."—Nay, he is worse, said St. Chrysostom.[d] And this, besides that it relies upon the unlimited, indefinite commandment, which must be understood universally but where God hath expressly set it limits; and though he hath given leave to public magistrates to do it, who therefore are not under that commandment,—yet because he hath not given leave to ourselves to do it to ourselves, therefore we are under the commandment: besides this, I say, it relies also upon this reason, that our love to ourselves is the measure of charity to our neighbours; and if we must not kill our neighbour because we must love him as ourself; therefore neither must we kill ourselves; for then we might also kill our neighbour, the reason and the measure, the standard and the proportion, being taken away.

10. (4.) To put ourselves to death without the command of God or his lieutenant, is impiety and rebellion against God; it is a desertion of our military station, and a violation of the proprieties and peculiar rights of God, who only hath power over our lives, and gives it to whom he pleases: and to this purpose Cicero[e] commends that saying of Pythagoras: "Nequis injussu imperatoris, id est, Dei, de præsidio et statione vitæ decedat;" God is our general, and he hath commanded to us our abode and station, which, till he call us off, must not be deserted: and the same doctrine he recites out of Plato:[f] "Piis omnibus retinendum esse animum in custodiâ corporis: nec injussu ejus, à quo ille est datus, ex hominum vitâ migrandum esse, ne munus humanum assignatum à Deo defugisse videamur." The reason is very good: "God gave us our soul and fixed it in the prison of the body, tying it there to a certain portion of work, and therefore we must not without his leave go forth, lest we run from our work that God hath commanded us." Josephus says, it is like a servant running away from his master's service: "Et servos quidem fugientes ulcisci justum creditur, quamvis nequam dominos fugerint; ipsi vero fugimus Deum et optimum Deum, impiè facere non videbimur?" "If servants fly from their cruel masters, they are justly punished; shall it not be accounted impiety to fly from our good God, our most gracious Master?"—and therefore Brutus condemned the fact of Cato, his father-in-law: Ὡς οὐχ ὅσιον οὐδ' ἀνδρὸς ἔργον ὑποχωρεῖν τῷ δαίμονι, καὶ μὴ δέχεσθαι τὸ σύμπτωτον ἀδεῶς, ἀλλ' ὑπεκδιδράσκειν. "It was neither manly nor pious to sink under his fortune, and to fly away from those evils which he ought to have borne nobly."—And therefore the Hebrews called dying ἀπολύεσθαι, a dismission: "Lord, now lettest thou thy servant depart in peace," said old Simeon; "Nunc dimittis."—When God gives us our pass, then we must go, but we must not offer it an hour before: he that does otherwise is, 1. ungrateful to God, by destroying the noblest of his works below; 2. impious, by running from his service; and, 3. distrustful of his providence. "Nisi Deus is, cujus hoc templum est omne quod conspicis, istis te corporis custodiis liberaverit, in cœlum aditus tibi patere non potest," said Cicero;[g] "Unless God open the gate for you, you can never pass from the prison of the body, and enter into heaven."—And the same is affirmed by Hierocles,[h] which I tell for the strangeness of it; for he was a Stoic, yet, against the opinion of his sect, he spake on the behalf of reason and religion: and this is the christian sense,

Δεῖ γὰρ δεδέσθαι μέχρις ἐκλύσῃ Θεός·

said St. Gregory Nyssen:[i] "We must stand bound, till God untie us."

11. (5.) For a man to kill himself is against the law, and the voice, and the very prime inclination of nature. Every thing will preserve itself: "No man hateth his own flesh, but nourisheth and cherisheth it," saith the apostle: and therefore generally all nations, as taught by the voice of Nature, by the very first accents which she utters to all men, did abhor the laying violent hands upon themselves. When some of the old Romans hanged themselves, to avoid the slavery that Tarquinius Superbus imposed upon them of making public draught-houses, he commanded the dead bodies to be crucified, said Servius.[k] So did Ptolemy to the body of Cleomenes, who had killed himself; and Aristotle says it was everywhere received, that the dead bodies of self-murderers should be disgraced some way or other; ἀταφίᾳ ὑβρίζειν τὸν νεκρὸν, "by denying them burial:" that was the usual way. So did the Milesians to their maidens who hanged themselves, they exposed their bodies to a public spectacle: and Strabo tells that the Indian priests and wise men blamed the fact of Calanus, and that they hated

[c] Lib. 3. Instit. cap. 28.
[d] In epist. ad Gal. cap. 1.
[e] Lib. de Senect.
[f] Somn. Scip. Vide Platonem in Phædone.
[g] Lib. 1. Tuscul.
[h] Ad. Carm. aur. Pyth.
[i] Jamb. 18.
[k] In 12. Æneid.

those hasty deaths of impatient or proud persons. "Alieno scelere quam meo mori malo," said King Darius; "I had rather die by the wickedness of another, than by my own."

12. (6.) Aristotle says, that they who kill themselves, hastening their own death, before God or the public commands them, are injurious to the commonwealth; from whose service and profit they subtract themselves, if they be innocent,—and if they be criminal, they withdraw themselves from her justice: Ἀδικεῖ ἄρα· ἀλλὰ τίνα; ἢ τὴν πόλιν· καί τις ἀτιμία πρόσεστι τῷ ἑαυτὸν διαφθείραντι, ὡς τὴν πόλιν ἀδικοῦντι· "He that kills himself, does wrong to the city; and is, after death, disgraced as an unjust person to the public."[1]

13. Now then to the examples and great precedents above mentioned, I shall give this answer. (1.) That Samson is by all means to be excused, because St. Paul accounts him in the catalogue of saints who died in faith; and therefore St. Austin[m] says, "he did it by a peculiar instinct and inspiration of the Spirit of God." But no man can tell whether he did or no: and therefore I like that better, which Peter Martyr says in this inquiry; "he did primarily and directly intend only to kill the enemies of God, which was properly his work, to which he was in his whole calling designed by the Spirit of God; but that he died himself in the ruin, was his suffering, but not his design; but like a soldier fighting against his enemies, at the command of his general undertakes the service, though he knows he shall die for it." Thus do the mariners blow up themselves in a sea-fight, when they can no otherwise destroy the enemy; they do it as ministers of justice, and by command; else they are not to be excused: and he that gives it must take care it be just and reasonable. Thus did the brave Eleazar[n] Habaran, the brother of Judas Maccabæus: he, supposing their grand enemy Antiochus to be upon a towered elephant, goes under the beast and kills him, who with his fall crushed the brave prince to death; he intended not to kill himself,—but, to kill Antiochus, he would venture himself or suffer death.

14. (2.) The fact of Saul is no just precedent; it looks like despair: but the Hebrews say, that it is not lawful for any man to die by his own hands, unless the prolongation of his life be a dishonour to God, and to a cause of religion; and upon this account they excuse both Saul and Samson, for they knew that if they should fall or abide respectively in the hands of scorners, the dishonour of their persons would disparage the religion, and reach to God. So they. But this is not right: for we only are to take care of the laws of God, and of his glory in the ways of his own appointment; for extraordinaries and rare contingencies, let him alone; he will secure his own glory.

15. (3.) For Razias, Lipsius says it is a question whether it was well or ill done; and who please to see it disputed, may read Lucas Brugensis on one side, and Nicolaus de Lyra upon the other. For my own part, I, at no hand, believe it fit to be imitated; but concerning what brave and glorious persons do, and by what spirit they acted, I am not willing to give hasty sentence: for there are many secrets which we know not; but we are to follow our rule, and not to trust any spirit, of which we are not sure it is from God.

16. (4.) But of that which is most difficult, I have already spoken something; but shall add more: for it is a pitiable case that virtuous women, highly sensible of their honour, zealous for chastity, despisers of life, should not as well receive the reward of their suffering to preserve the interest of chastity, as of any other grace; especially since they choose death rather than shame, and would not willingly choose either, but being forced, run to death for sanctuary. It is true, it is much to be pitied; but that is all: "Ac per hoc et quæ se occiderunt, ne quicquam hujusmodi paterentur, quis humanus affectus eis nollet ignosci?" Every man (says St. Austin) will pity, and be ready to excuse, or to wish pardon to such women, who killed themselves to preserve their honour. Cicero[o] tells of certain noble virgins, that threw themselves into pits to avoid the shame of their enemies' lust: and St. Jerome[p] tells of seven Milesian virgins, who to prevent the rudeness of the Gauls that destroyed all Asia, laid violent hands upon themselves. The Greek epigram[q] mentions them with honour, but tells but of three:

Παρθενικαὶ τρισσαὶ πολιήτιδες, ἃς ὁ βιαστὸς
Κελτῶν εἰς ταύτην μοῖραν ἔτρεψεν ἄρης.
Οὐ γὰρ ἐμείναμεν αἷμα τὸ δυσσεβὲς, οὐδ' ὑμεναίου
Νυμφίον, ἀλλ' ἀίδην κηδεμόν' εὐράμεθα.

They chose a sad death before a mixture with the lustful blood of the Galatians. And the Jews tell of a captive woman of their nation, who, being in a ship and designed to ravishment, asked her husband, if the bodies of them that were drowned in the sea should rise again; and when he had said they should, she leaped into the sea. And among the christians that did so, there were many examples. Divers women of Antioch under Diocletian; more under Cosroes the Persian; Sophronia, under Maxentius; St. Pelagia before mentioned; and divers others,—these persons had great advocates; but I suppose it was upon the stock of pity and compassion, that so much bravery should be thrown away upon a mistake: and therefore I find that St. Chrysostom, who commended this manner of death upon the account of chastity, yet is not constant to it, but blames it in his commentaries upon the Galatians:[r] and the third council of Orleans commanded, that the obligations of them that died by the hands of justice should be received; "si tamen non ipsi sibi mortem probentur propriis manibus intulisse," always provided that they did not prevent the hand of justice. that they did not lay violent hands upon themselves. I end this with the saying of Procopius,[s] which is a just determination of the case in itself. Βίαιος καταστροφὴ ἄχρηστος καὶ ἄνοιει προκειτής· τὸ δὲ εἰς

[1] Lib. 5. cap. 11. Eth.
[m] Lib. 1. de Civit. Dei, cap. 16. et 21.
[n] 1 Macc. vi. 43.
[o] Orat. de Provinciis Consularibus.
[p] Adv. Jovinian.
[q] Lib. 3. ἀνθολογ. εἰς νέους καὶ νέας.
[r] Gal. i. 4.
[s] Gothicor. 4.

θάνατον θράσος ἀνόητον τοῦ τε δραστηρίου πρόσχημα οὐκ εὐπρεπὲς τοῖς γε σώφροσιν εἶναι δοκεῖ, "A violent death, or a death hastened by our own hands, is a thing unprofitable, and full of foolish violence; and since it wants prudent counsel, it is by wise men judged to be but the image and hypocrisy of valour and magnanimity."—To which he adds, Καί τοι καὶ τοῦτο ἐκλογίζεσθαι χρὴ, μή τι δόξητε εἰς τὸ θεῖον ἀγνωμονεῖν, "This also ought to be considered, that no man ought to be impious or ungrateful towards God."—This is the definition of the case. But then as to the persons of them that did so, I have nothing to say but this, that they ought not to be drawn into example: but for the whole, it was modest and charitable which was decreed by the French capitulars:[t] "Concerning him who hath killed himself, it is considered, that if any one out of pity or compassion will give alms for their souls, (so was the custom of those times,) let him give, and say prayers and psalms, but not celebrate the solemn sacrifice for them;" "quia incomprehensibilia sunt judicia Dei, et profunditatem consilii ejus nemo potest investigare;" "because the judgments of God are incomprehensible, and the depth of his counsels no man can fathom." This was more gentle than that of Virgil.

> Proxima deinde tenent mœsti loca, qui sibi lethum
> Insontes peperere manu, lucemque perosi
> Projecere animas; quam vellent æthere in alto,
> Nunc et pauperiem et duros perferre labores:
> Æneid. 6.

"He appointed a sad place in hell for them, that so cheaply, out of impatience, or to avoid a great trouble, threw away their souls. Fain would they now return to light, and joyfully would change their present state with all the labours and shames, which they, with hasty death, so earnestly declined." But he knew nothing of it, neither do I; only that it is not lawful. But how they shall fare in the other world, who, upon such great accounts, are tempted, is one of God's secrets, which the great day will manifest. If any man will be pleased to see more against it, he may find it in St. Austin,[u] Hegesippus,[x] Nicephorus Blennidas,[y] Heliodorus,[z] and divers others, well collected by Fabrot in his fifth exercitation.

RULE IV.

He that hath suffered the Punishment, is not discharged in Conscience, unless he also repent of the Disobedience.

1. THIS rule is in effect the same with the first rule of the first chapter of this book: but because it is usually discoursed of also under the head of penal laws, and there are many persons who, when they have broken the law, and have suffered punishment, think themselves discharged; and because it ministers some particularities of its own,—I have therefore chosen distinctly to consider it.

2. In this inquiry, penal laws usually are distinguished into laws purely penal, and mixed. 1. Laws purely penal are such which neither directly command nor forbid, but impose a penalty upon him that does or omits an action respectively. So Moses[a] to the children of Israel; "If a man shall steal an ox or a sheep, and kill it or sell it, he shall restore five oxen for one ox, and four sheep for one." 2. A mixed penal law is, when with the precept or prohibition the penalty is adjoined: so said God;[b] "Ye shall not hurt the widow or the fatherless; if ye hurt them, they shall cry unto me, and I will hear their cry, and my fury shall be kindled, and I will strike you with the sword, and your wives shall be widows, and your children fatherless." And of the same nature is that canon of the council of Agatho:[c] "We do by a special order, command all secular persons to hear the whole Divine service upon the Lord's day, so that the people presume not to go forth before the blessing of the priest: but if any man shall presume to do so, let him be publicly punished by the bishop." 3. Other laws are purely moral, that is, preceptive without any penalty. This distinction Silvester derides as childish, and of no use; but others deride him: but whatever use it can be of to other purposes, it is of little in this. For whether the penalty be annexed or no, it obliges to penalty;[d] and therefore, whether it be preceptive or no, it obliges to duty: and we see it in ocular demonstration in divers of the Levitical and moral laws of God, which sometimes are set down in the style of laws purely penal, and the same laws in other places are penal and prohibitive.

3. (1.) But why are punishments decreed in laws? Are they for the obedient, or for the disobedient? for good men, or for bad? Certainly, for them that do not obey. Now they that obey not, do well or ill, or it is indifferent whether they do or no: if they do well, they are to be rewarded, and not punished: if the thing after the sanction be still indifferent, why shall he suffer evil that does none? But the case is plain, that in all just governments the punishment is decreed in the laws, that the law may be obeyed; and unless it be equally good to the prince that his subjects obey or be punished, that is, unless it be all one to him whether they be happy and advantaged, or miserable and punished, and that he cares not whether the subject receives the good or the evil of the law,—it cannot be supposed that when the subject is punished, the law is satisfied in its first intention.

4. (2.) Add to this, If suffering the punishment does satisfy the law, then the subject is not tied to obey for conscience' sake, but only for wrath, expressly against the apostle; and then laws would quickly grow contemptible: for the great flies that break through the cobweb lawns of penal laws, would be both innocent and unconcerned; innocent,

[t] Lib. 6. c. 70.
[u] Lib. 1. de Civit. Dei, cap. 20, 21, 26. ep. 61. ad Dulcit lib. 11. contra 2. ep. Gaudent. cap. 23.
[x] Excid. Hieros. 3. cap. 17. [y] Epitom. log. cap. 4. [z] Æthiop. 2. [a] Exod. xxii. 1. [b] Ibid.
[c] Can. Mass. de Consecrat. dist. 1.
[d] Tacitè permissum est quod sine ultione prohibetur: Tertul. l. adv. Mac.

as not being tied in conscience,—and unconcerned, as having many defensatives against the fine.

5. (3.) The saying therefore of St. Austin[e] hath justly prevailed: "Omnis pœna, si justa est, peccati pœna est, et supplicium nominatur;" "Every penalty is relative to an offence, and is called punishment." —And there can be no reason given, why, in laws, there are differing punishments assigned, but that they be proportionable to the greatness of the fault. It follows therefore, that whoever is obliged to suffer the punishment of the law, do ask God's pardon and the king's, for having done a sin, by which only he could be obliged to punishment. "Reatus" or "guilt," both in Divine laws and in human, is an obligation to punishment: for "reatus pœnæ" and "reatus culpæ" differ but as the right and left hand of a pillar; it is the same thing in several aspects and situations. And Lucius Neratius[f] was a fool, and a vile person; and having an absurd humour of giving every man he met a box on the ear, he caused a servant to follow him with a bag of money, and caused him to pay him whom he had smitten twenty-five asses, a certain sum which was, by the law of the twelve tables, imposed upon him that did an injury: but considered not, that, all that while, he was a base and trifling fool for doing injury to the citizens.

6. This rule holds in all without exception: it seems indeed to fail in two cases, but it does not; only the account of them will explicate and confirm the rule.

7. (1.) In actions which are not sins, but indecencies, or unaptnesses to a state or office and action, the evils that are appendant to them are also but "quasi pœnæ," "half-punishments;" such as is the irregularity that is incurred by a judge that gives sentence in a cause of blood; he is incapable of entering into holy orders by the ancient laws of the church. A butcher is made incapable of being of the inquest of life and death: which incapacity is not directly a punishment, any more than it is a sin to be a butcher; but certain persons are, without their fault, declared unfit for certain states or employments. Now this confirms the rule, for still the proportion is kept; and if it be but like a fault, the consequent of it is but like a punishment. And if at any time these appendages are called punishments, it is by a catachresis, or an abuse of the word, and because of the similitude in the matter of it. So we say, "The righteous are punished," that is, they suffer evil, for their own trial, or for the glory of God: and so it is in the law: "Sine culpâ, nisi subsit causa, non est aliquis puniendus," "No man is to be punished without his fault, unless there be cause for it:" that is, no man is to suffer that evil, which in other cases is really a punishment, and in all cases looks like one. And from hence comes that known rule, and by the same measure is to be understood, "Etsi sine causâ non potest infligi pœna, potest tamen sine culpâ." The word "pœna," is taken improperly for any evil consequent or adjunct.

8. (2.) This seems to fail in laws that are conditional or conventional; such as are when the prince hath no intention to forbid or command any thing, but gives leave to do it, but not unless you pay a fine. Thus if a prince commands that none shall wear Spanish cloth, or ride upon a mule, or go with a coach and six horses, under the forfeiture of a certain sum; this sum is a punishment, and the action is a fault: but if the subjects shall ask leave to do it, paying the sum, then it is a conditional or conventional law, and obliges not to obedience, but to pay the fine. For these laws are not prohibitive, but concessory; and there is no sign to distinguish them from others, but the words of the law, the interpretation of the judges, and the allowed practice of the subjects.

9. Of the same consideration are all promises, and vows, and contracts, which are made with a penalty annexed to the breakers. The interested person is first tied to keep his word: if he does not, he sins. But if he does sin, he must therefore pay the penalty; and if he does not, he sins twice. "Haud scio," says Cicero,[g] "an satis sit eum, qui lacesserit, injuriæ suæ pœnitere." It is enough for him to repent of the injustice, but he must also pay his fine; and yet that does not acquit him from the first fault, but prevents a second. He that so contracts, is twice obliged; and the latter fault is paid by the penalty,—and the first fault by repentance and that together.

RULE V.

It is not lawful for a guilty Person to defend himself by Calumny, or a Lie, from the Penalty of the Law, though it be the Sentence of Death.

1. All the wisdom of mankind hath ever been busy in finding out and adorning truth, as being that in which we are to endeavour to be like God, who is truth essentially: and therefore Pythagoras[h] in Ælian did say, that "the two greatest and most excellent works that God gave to mankind to do, are the pursuits of truth and charity:" for these are excellencies, for which God himself is glorious before men and angels. The Persian magi say, that Ormusd (so they called the greatest of their gods) was in his body like light, and his soul was like truth: and that therefore "by truth we are like to God, but by a lie we are made mortal," says Plato. "Veritas, quo modo sol illuminans, colores, et album et nigrum ostendit, qualis sit unusquisque eorum, sic ipsa quoque refellit omnem sermonis probabilitatem; merito à Græcis quoque acclamatum est, principium magnæ virtutis est regina veritas,"[k] "As the sun gives light to us, and distinction to black and white, so does truth to speech; and therefore the Greeks did rightly affirm, that truth is the beginning of the great virtue, that is, of perfection or virtue heroical," said St. Clement.

2. This is true in all regards: but the question is, whether truth can be practised at all times. For

[e] Lib. i. Retract. cap. 9.
[f] A. Gellius, lib. 20. cap. 1.
[g] Lib. 1. Offic.
[h] Lib. 12. Var. Hist.
[i] Lib. 6. de Rep.
[k] Clem. Alex. lib. 6. cap. 4.

God speaks truth because it is his nature, and he fears no man, and hath power directly to bring all his purposes to pass: but the affairs of men are full of intrigues, and their persons of infirmity, and their understandings of deception; and they have ends to serve which are just, and good, and necessary; and yet they cannot be served by truth, but sometimes by error and deception. And therefore the ancients described Pan, who was the son of Mercury, their god of speech, with the upper part like a man, and the lower part like a beast, rough, hairy, and deformed; not only to signify truth and falsehood, and that truth is smooth, even, and beauteous, and a lie is rough, ugly, deformed, and cloven-footed, ("quia mendacii multiplex divortium," says one,) but to represent that in our superior faculties, and our intercourse with the power above us, we must speak truth, but that in our conversation with men below, it is necessary sometimes by a lie to advantage charity, by losing of a truth to save a life. Here then is the inquiry,

I. Whether it can in any case be lawful to tell a lie?

II. Whether it be lawful to use restrictions and mental reservations, so that what we speak, of itself is false, but joined to something within is truth?

III. Whether, and in what cases, it is lawful to equivocate, or use words of doubtful signification, with a purpose to deceive, or knowing that they will deceive?

IV. Whether it be lawful, by actions and pretences of actions, to deceive others for any end; and in what cases it is so.

Question I.

Whether it can in any case be lawful to tell a lie?

3. To this I answer, that the Holy Scriptures of the Old and New Testament do indefinitely and severely forbid lying. "A righteous man hateth lying,"[l] saith Solomon; and Agur's prayer was, 'Remove from me vanity and lies."[m]—"For the Lord will destroy them that speak lies."[n] And our blessed Saviour condemns it infinitely, by declaring every lie to be of the devil. "When he speaketh a lie, he speaketh of his own, for he is a liar, and the father of it."—"Lie not therefore one to another," saith St. Paul:[o]—"For all liars shall have their part in the lake, which burneth with fire and brimstone."[p]—Beyond these things, nothing can be said for the condemnation of lying.

4. But then lying is to be understood to be something said or written to the hurt of our neighbour, which cannot be understood otherwise than to differ from the mind of him that speaks. "Mendacium esse petulanter, aut cupiditate nocendi, aliud loqui, seu gestu significare, et aliud sentire:" so Melanchon: "To lie is to deceive our neighbour to his hurt." For in this sense a lie is naturally and intrinsically evil; that is, to speak a lie to our neighbour is naturally evil. Not because it is different from an eternal truth, for every thing that differs from the eternal truth is not therefore criminal for being spoken, that is, is not an evil lie: and a man may be a liar, though he speaks that which does not differ from the eternal truth; for sometimes a man may speak that which is truth, and yet be a liar at the same time in the same thing. For he does not speak truly, because the thing is true; but he is a liar, because he speaks it when he thinks it is false. That therefore is not the essence or formality of a lie. "Vehementer errant, qui tradunt orationis esse proprium significare verum necessarium," said Scaliger; a man may be a true man, though he do not always speak truth. If he intends to profit and to instruct, to speak probably and usefully, to speak with a purpose to do good and to do evil, though the words have not in them any necessary truth, yet they may be good words. Simonides and Plato say it is injustice, and therefore evil: so does Cicero, and indeed so does the Holy Scripture, by including our neighbour's right in our speaking truth: it is "contra proximum," it is "against our neighbour;" for to himself no man can lie, and to God no man can lie, unless he be also an atheistical person, and believes that God knows nothing that is hidden, and so is impious when he says a lie. But a lie is an injury to our neighbour; who, because he knows not the secret, is to be told that in which he is concerned, and he that deceives him, abuses him.

5. For there is in mankind a universal contract implied in all their intercourses, and words being instituted to declare the mind, and for no other end, —he that hears me speak, hath a right in justice to be done him, that as far as I can, what I speak be true; for else he by words does not know your mind, and then as good, and better, not speak at all. "Humanæ aures verba nostra talia judicant, qualia foris sonant. Divina vero judicia talia esse audiunt, qualia ex intimis proferuntur."[q] Though God judges of our words by the heart, yet man judges of the heart by the words; and therefore in justice we are bound to speak so as that our neighbour do not lose his right, which by our speaking we give him to the truth, that is in our heart. And of a lie thus defined, which is injurious to our neighbour so long as his right to truth remains, it is that St. Austin[r] affirms it to be simply unlawful, and that it can in no case be permitted, "nisi forte regulas quasdam daturus es, quibus noverimus ubi oporteat mentiri, ubi non oporteat;" by way of confidence and irony: he condemns it all, "unless peradventure (says he) you are able to give us rules, when a man may lie, and when he may not." "Quod non est bonum, nunquam erit bonum,"[s] "That which is not innocent in itself, can never be made so." But "vitia non sunt, quibus recte uti licet;"[t] if it can in any case become good, it is not of its own nature evil: so that if a lie be unjust, it can never become lawful; but if it can be separate from injustice, then it may be innocent. Here then I consider,

6. This right, though it be regularly and commonly belonging to all men, yet it may be taken away by a superior right supervening; or it may be

[l] Prov. xiii. 5. [m] Prov. xxx. 8. [n] Psal. v. 6. [o] Col. iii. 9. [p] Rev. xxi. 8, 27.

[q] S. Greg. lib. 26. Moral. cap. 7. [r] Ep. 8. ad Hieron. [s] Eurip. in Phœniss. [t] Lactant. 6. Instit. 16.

lost, or it may be hindered, or it may cease upon a greater reason.

7. (1.) Therefore, upon this account, it was lawful for the children of Israel to borrow jewels of the Egyptians, which supposes a promise of restitution, though they intended not to pay them back again: God gave them commandment so to spoil them, and the Egyptians were divested of their rights, and were to be used like enemies.

8. (2.) It is lawful to tell a lie to children or to madmen, because they, having no powers of judging, have no right to truth: but then the lie must be charitable and useful; because they are defended by the laws from injury, and therefore must not have a lie told them, that can do them mischief. So that if a lie be told, it must be such as is for their good; for though they have no right to truth, yet they have right to defence and immunity: and an injurious lie told to a child or madman is a sin, not because it deceives him, but because it deceives him to his prejudice. Quintilian, the great master of children, says, "Utilitatis eorum gratia multa fingimus." "We feign many things to affright or allure children to good," and from evil respectively. And so do physicians to their patients, abusing the fancies of hypochondriacal and disordered persons into a will of being cured. Some will do nothing without a warrant: others are impatient of your converse, unless you seem to believe them: and physicians can never apply their remedies, unless they pretend warrants, or compliances, and use little arts of wit and cozenage. This and the like were so usual, so permitted to physicians, that it grew to a proverb, "Mentiris ut medicus;" which yet was always to be understood in the way of charity, and with honour to the profession. But this any physician may not do, that is, not to every patient: for if the man be wise and can choose and can consider, he may not be cozened into his cure by the telling of a lie, because he is capable of reason, and therefore may choose what he hath a mind to, and therefore to cozen him is to injure him; and no man must commit a sin to do a good turn to a man against his will. And thus also in the case of children: their tutors or parents may not tell them every lie; they may not teach them lies and make them confident in vanities; but for their good, govern them as they can be governed. "Ut puerorum ætas improvida ludificetur;"[u] All the world consents, when it is for their improvement. And to this is reduced the permission of inventing a witty fable, or telling a false story, to gain ground upon him that believes a false opinion, and cannot any other way so easily be confuted. Thus when two Eutychian bishops,[x] who believing that the two natures of Christ made but one, did consequently believe that the Divinity did die as well as the humanity in the death of Christ, came to the court of a Saracen prince, he pretended great sorrow and consternation of mind at the receipt of some letters; into the contents whereof when they with some curiosity inquired, the prince with a seeming great sorrow, told them he had received certain intelligence that the archangel Gabriel was dead. They to comfort him told him certainly it could not be true; and for their parts they did believe it to be impossible. "O fathers," said the prince, "you do not believe it to be impossible that an archangel should, when you affirm that the Divinity did die." Such a fiction as this no wise man reproves; it is but like the supposing a false proposition in disputation, that upon that false supposition a true conclusion may be erected.

9. (3.) It is lawful to tell a lie to our neighbour by consent, provided the end be innocent or pious. Thus St. Chrysostom and St. Jerome say that St. Peter suffered himself to be reproved by St. Paul before the gentiles for too much compliance with the Jews: not that he did it seriously, but κατ' οἰκονομίαν, he acted a part by consent to establish christian liberty amongst the gentiles. I do not consent to the instance, because St. Paul tells it to the Galatians as a solemn story and a direct narrative, adding withal dogmatically, that St. Peter was to be blamed: but the instance will serve rightly to illustrate this limitation of the rule. But thus the parties in a war may write exactly contrary to the truth; when they are understood to what purpose, and when it is by consent. Because he who hath the right to truth, hath quitted it, and his communication does serve the ends of society well enough, and his words, though they are not agreeable to his ordinary mind, yet they are made to be so by particular institution and design. Thus, in besieged places, they write letters of confidence and great ostentation of the strengths, which they have not; when their parties have consented, that they should do so for their just advantages.

10. (4.) To tell a lie for charity, to save a man's life, the life of a friend, of a husband, of a prince, of a useful and a public person,—hath not only been done in all times, but commended by great and wise and good men. Οὐ νέμεσις καὶ ψεύσασθαι ὑπὲρ ψυχῆς ἀγορεύειν, "To tell a lie to save a life is no harm," said old Pisander. Thus the Egyptian midwives are commended, because by their lie they saved the Israelitish infants: "O magnum humanitatis ingenium! O pium pro salute mendacium!" says St. Austin of them: "It was an excellent invention of kindness, and a pious lie for the safety of the innocents:" and St. Ambrose and St. Jerome commend them so, that they supposed them to receive eternal rewards. The same was the case of Rahab; to whom it should seem that Phinehas, who was one of the spies, had given instruction and made in her fair dispositions to tell a lie for their concealment. For when she had hidden Caleb, Phinehas said to her, "'Ego sum sacerdos.' Sacerdotes vero, quippe angelorum similes, si volunt, aspectabiles sunt; si nolunt, non cernuntur." But she made no use of that, but said directly they were gone away. Concerning which lie of hers St. Chrysostom[y] cries out, Ὦ καλοῦ ψεύδος, ὦ καλοῦ δόλου, οὐ προδιδόντος τὰ θεῖα, ἀλλὰ φυλάττοντος τὴν εὐσεβειαν, "O excellent lie! O worthy deceit of her that did not betray the divine persons, but did retain

[u] Lucret.

[x] Niceph. 16. cap. 35.

[y] Homil. 5. de Pœnitent.

piety!" Thus we find St. Felix[z] telling a lie to save his life from the heathen inquisitors.

> Felicem sitit impietas———
> Felicemque rogant, Felix ubi cernitur: et non
> Cernitur ipse, nec ipse ver est, cum sit prope, longe est.
> ———persensit et ipse faventis
> Concilium Christi, ridensque rogantibus infit,
> "Nescio Felicem quem quæritis:" ilicet illi
> Prætereunt ipsum; discedit at ille platea,
> Illudente canes Domino frustratus hiantes.

They asked where Felix was; himself answered, that "he knew not Felix whom they looked for:" and yet no man finds fault with this escape. "Deceptio et mendacium semper alias mala res, tunc tantum sunt usui quando pro remedio sunt amicis curandis, aut ad vitandum apud hostes periculum;" they are the words of Celsus in Origen: "A lie is otherwise evil, only it is then useful when it is for remedy to cure the evils of our friends, or to avoid the evils from our enemies." The same almost with the expression of Clemens Alexandrinus,[a] who allows ψεύδεσθαι ἐν θεραπείας μέρει, "to lie when it is a remedy." So Lucian amongst the heathens, "Qui, cum usus postulat, mentiuntur, veniâ nimirum hi, imo laude plerique eorum digni sunt; quicunque vel hostes fefellerunt, vel ad salutem tali quopiam pharmaco usi sunt in necessitatibus;" "They are not only to be excused or pardoned, but to be commended, that lie, when they use it as a remedy or a medicine in the danger or necessities of our friends;" where also the scholiast does allow an officious lie. So we must use a lie, says Cassian,[b] "quasi natura ei insit hellebori," "as a man uses hellebore:" and he commends Archebius for deceiving some persons with a charitable lie. It is therefore no wonder, if Pliny[c] commends Arria the wife of Cæcinna Pætus for so often lying to her sick husband in the concealment of the death of their beloved boy; which she therefore hid, lest the grief should extinguish her husband. In short, St. Austin[d] says, that all the philosophers, as Plato, Xenophon, Lucian, the lawyers, the physicians, the rhetoricians, and theologues, did affirm that it was sometimes lawful to tell a lie: that is, when it did good and no evil: Τὸ γὰρ ἀγαθὸν κρεῖττόν ἐστι τῆς ἀληθείας, said Proclus, "For charity is better than truth," and to save a man's life is better than a true story. The archbishop of Tyre (as I remember) tells a story, that a malicious Saracen had secretly defiled one of the mosques, or places of worship, which the Turks have in Jerusalem. The fact was imputed to the christians, who generally denying it, but having no credit with their enemies, were all presently dragged to the place of execution. Amongst them there was a young man pious and noble, who seeing all his brethren in a sad condition, and himself equally involved, by an officious and a charitable lie, took the fact upon himself, and confessed himself alone to be the doer of it, and that the rest knew nothing of it. Himself indeed was put to death with exquisite torments, but he saved the lives of all the rest; who, I doubt not, believed that young man to have in heaven a great reward for his piety, and no reproof for his innocent and pious lie; for in memory of this noble act, the christians, in Jerusalem, once a year, marched with palms in their hands into the city, to perpetuate the memory of that deliverance.

11. (5.) Now this may be better admitted, in case the charitable lie be told to him to whom the good accrues; for then there is a leave justly presumed; and he that receives the good, is willing to receive it with the loss of a useless or hurtful truth, and therefore there is no injustice done; as he that takes his neighbour's goods, for which he hath reason to believe his neighbour willing, is no thief, nor the other a deceiver. Ἀπατᾷ μέν, ἀπατεὼν δὲ οὐκ ἔστιν· οὐ γὰρ τέλος ἔχει τὴν ἀπάτην τοῦ νοσοῦντος, ἀλλὰ τὴν σωτηρίαν, says Andronicus Rhodius; "He does indeed deceive, but he is no deceiver; because not the cozening but the curing of his friend is the purpose of his false affirmative."—And to this we suppose that every man is willing enough, and therefore not at all injured. And this reason was good in such charitable deceptions, which are by implicit consent or leave justly presumed: so Darius Hystaspes in Herodotus, "Ubi expedit mendacium dicere, dicatur: nam idem optamus, et qui mendacium dicimus, et qui veritatem."—Every man is willing enough to be deceived into his own advantage; and therefore when it is so, in such things where the man is willing to receive advantage, there is no harm done, if he be deceived that he may not be undone. He that is in danger of drowning, is willing enough to be pulled out of the water, though by the ears, or the hair of his head; and we have reason to believe so in the present affair. "Mendacium nemini noxium, sed alicui commodum, honestum esse," said Bishop Heliodorus, in his Fair Ethiopian. He was indeed then writing a romance, by which he intended to do good and no harm, and therefore believed himself innocent. Upon this account the apologues or fables of Æsop, the parables of wise men, and their dark sayings, the cases which lawyers put, and the fictions of law, have their justification, "Et prodesse solent, et delectare"—They hurt no man, and do good to every man; "they do him profit, and they do him pleasure."

> Exit in immensum fœcunda licentia vatum;
> Obligat historicâ nec sua verba fide.[e]

Poets do intend to teach, not to deceive, in their fictions, and therefore are allowed.

12. (6.) But if the lie be told to another for the preservation not of himself, but of a third person, then the case is more difficult, for here is no presumptive leave, but it is against the mind of the inquirer. Now concerning this, though it be allowed by very many of the ancient doctors of the church, and by the wisest amongst the heathens, and hath in it a very great charity: yet I cannot see sufficient cause to allow it.

> Καλὸν μὲν οὖν οὐκ ἔστι τὰ ψευδῆ λέγειν·
> Ὅτῳ δ' ὄλεθρον δεινὸν ἡ ἀλήθει ἄγει,
> Συγγνωστὸν εἰπεῖν ἐστι, καὶ τὸ μὴ καλόν.[f]

"It is at no hand good to tell a lie: but when a

[z] Natali. 5. S. Felicis.
[a] In Philopseu.
[b] Lib. 5. Constit. cap. 37.
[c] Lib. 3. Epist. 16.
[d] Quæst. 68. in Levit.
[e] Ovid. Eleg. iii.
[f] Sophocl. in Creusa.

truth brings an intolerable evil, it is pardonable, but not commendable;" so the Greek tragedy: because it is of itself evil to lie to our neighbour. Not that every false proposition, spoken knowingly, is a sin; but if it be spoken to deceive, and not to profit, it is spoken to the injury of him that hears, and is a sin, because it is unjust, and therefore not to be done for any good; and it is in this very instance, in which St. Paul was angry at them who intimated, that he told a lie for a good end; it may not be done, when to do it is unjust or injurious. I approve therefore the opinion of St. Austin,[g] I am sure it was one of his opinions, for in this question he had more than one: "Duo sunt genera mendaciorum, in quibus non est magna culpa, sed tamen non sunt sine culpâ;" "There are two sorts of lies which have in them no great fault, but yet they are not innocent: the one is to lie in jest; which is therefore not pernicious, because it does not deceive, for it is taken but for a jest: the other is to lie for the good of our neighbour; which therefore is the less, because it hath something in it of good will." And Tertullian[h] is of the same opinion, who reckons this of "necessitate mentiri," "to lie in the time of need," amongst the sins of daily incursion, or of an unavoidable infirmity. And St. Austin discourses it very well; "When it is asked, whether a good man may lie or no, we ask not after him that belongs to Egypt, to Jericho, or to Babylon, or to the earthly Jerusalem which is in bondage with her children: but what is his office that belongs to the mother of us all, that city that is from above? and then we answer, that no lie is of the truth: but concerning the citizens of this city, it is written, that a lie was not found in their mouths."[i] So that, upon this account, all those examples recorded in Scripture, of great persons telling a lie in the time of the danger of themselves or others is no warrant, no argument of the lawfulness of it; for they were under a looser law, but we under a more perfect and more excellent: and yet they did not do well; and if we imitate them we do worse.

13. And therefore, we find great examples of christians and of heathens, whose charity was not cold, but their love of truth and righteousness was much warmer than in the former examples. St. Austin[k] tells of Firmus bishop of Tragasta, that when one, who by evil chance had killed a man, fled to him to be concealed from the avengers of blood; to the inquirers he answered, "Nec mentiri se posse, nec hominem prodere," "He could neither lie, nor yet betray the man."—For which answer and refusal the bishop being brought before the emperor, as a reward both of his charity and his truth, he obtained pardon for the man. And it was a great thing which Probus tells of Epaminondas, and Plutarch of Aristides, that they were so great and severe lovers of truth, that they would not lie so much as in jest. Indeed that was very well: and it is of greater obligation to christians, to whom not only purity and simplicity, ingenuity and sincerity, are commanded, but all vain talking is forbidden. But the case is not so clear in the matter of difference, when it happens between a great charity and an unconcerning truth. For who would not save his father's life, or the life of his king, or of a good bishop and a guide of souls, at the charge of a harmless lie, from the rage of persecutors and tyrants? God indeed in his providence hath so ordered the affairs of the world, that these cases seldom happen: but when any man is surprised or tried, unless he be sure, that it is in that case a sin to tell a lie, he may be sure it is a very great sin to betray his prince or prelate, his father or his friend. Every man, in that case, would dispute hardly, rather than give up a good man to death. And if he be come to a dispute, and that it be doubtful on either hand whether the lie in that case, or whether the betraying the man to death, be the sin,—it is the safer way to determine for the charity than for the veracity; because in case it be a sin to give him up, it is a much greater sin than to tell such a lie: and then comes in the rule, "Caret peccato, quod ex duobus minus est." The lie is the less evil; and therefore it is no sin, when it is chosen to avoid that, which, for aught we know, is the greater. But this is upon supposition that the case is doubtful. To which also must be added, that it must also suppose, that it is just to save the man, or that we think it so: for to rescue a malefactor, a bandit, a fugitive of law, hath in it no such obligation. But if it be just that the man be saved, that is a higher justice than the obligation of telling truth to the persecutor; to whom it is as great charity, if from him we take the power of doing evil, as it is justice to rescue the innocent. Now this, and the opinion of so many great men that allow it, and the favourable nature of the case, are enough at least to make this matter probable; and if there be a doubt, it is enough to establish it: the question being uncertain, is enough to make the practice certain.

And indeed, if we consider things without the prejudice of easy and popular opinions, though it be said, that to tell truth is an act of justice; yet this is not true in all propositions, but in such truths only, which concern a man for some real good to him, or for some imaginary good which hath no real evil. But when the telling of a truth will certainly be the cause of evil to a man, though he have right to truth, yet it must not be given to him to his harm: it is like the giving to a madman his own sword; you had better give him a wooden dagger, though the other be his own. But in an unconcerning truth what interest can any man have that is worth preserving? What wrong is done to me if I be told that Alexander died upon the floor, and not upon a feather-bed? or that Pittacus's wife hurt her fingers, when she threw down the table of meat before her husband's friends? Truth is justice when it does good, when it serves the end of wisdom, or advantage, or real pleasure, or something that ought or may be desired; and every truth is no more justice, than every restitution of a straw to the right owner is a duty. "Be not over-right-

[g] Caul. 22. qu. 2. c. Nequis.
[h] Lib. de Pudicit.
[i] De Mendacio, ad Consentium.
[k] Lib. de Mendac. cap. 13.

ous," says Solomon. In these things there is no question but the pretences of little justice ought to serve the great end of charity; and much rather if the truth will do no good and will do hurt to him that inquires, and more to him who is inquired after. The persecutor hath a right to truth, but no right to be undone; and therefore he is not wronged by that lie that saves him harmless in some measure, and his brother in more; and if he be not wronged, then no man is: and then the lie that so well serves charity, is not against justice; and unless every lie be intrinsically evil and malicious, it hath in such cases no irregularity. And if it be objected, that "we must not tell a lie for God, therefore much less for our brother;" I answer, that it does not follow; for God needs not a lie, but our brother does: and besides this, there can no service be pretended to be done to God by a lie, but it must be in the matter of justice or religion, in both which cases a lie is neither to be told for God nor our brother; but a real service may be done for our brother by such a lie, as sins neither against justice nor religion; in which case only I say it may seem to be allowable.

14. But then from these premises the truth in the instance of the rule is established; for it is not lawful for a guilty prisoner to say "Not guilty," when he is justly interrogated. "Christianum non mentiri, etiamsi moriatur ex tormentis," said Clemens Alexandrinus;[1] "A christian will not lie, though to escape death with torments:" for the law says, "Thou shalt not kill;" and the law says, "Thou shalt not lie;" but the law itself does sometimes kill, but the law does never lie. For although it be said, that no man is bound to accuse himself, and indeed the laws of man do not tie him to do it: yet this hinders not the conclusion in this case; for in the present case the man is accused already, and he is not called to be his own accuser, but to confess the fact if he be justly accused by the law: for why does the judge ask, but to be answered truly? For there being three ways in law of proceeding to definitive sentence, 1. The notoriety of the fact; 2. The conviction by witnesses; and, 3. The confession of the party; in the destitution of the first, to prevent the trouble of the second, the law interrogates concerning the third; and it is as in the case of Joshua and Achan, "My son, give glory unto the Lord, and confess thy fault." It is true, it is a favourable case; and when a man's life is at stake, he hath brought himself into an evil necessity; but here is no excusing of a false denial, but it is certainly criminal; and nothing can excuse it, unless the law should give leave to such persons to say what they would, which cannot be supposed in any good government: for then trials of criminal causes between the judge and the thief would be like a match at fencing; and it is infinitely confuted by those laws which use to examine by scourgings or torture: which whether it be lawful or unlawful, I do not here determine, but I affirm it to be a great testimony, that laws do not love to be played withal, but when they ask soberly, intend to be answered truly.

[1] Num. 16.

This is also to be extended to the case of advocates, who, in a good cause, must not use evil arts. For we must not tell a lie for God, and therefore not for the interest of any moral virtue, nor for the defence of righteousness; for a cavil or an injurious lie, is out of the way to justice, and she must not be directly wronged that she may be indirectly righted. In the civil law it is permitted, that to avoid abuses and the injurious craft of the opposite party, the advocate of the right may use all arts that are not lies and falsity: "Nec videtur dolo fecisse qui fraudem excluserit," says the law.[m] He may be overthrown by art, so he be not by that which is false: "sic ars deluditur arte." But in the case which the lawyers out of Baldus put, the question is evident. Agricola borrows of Sempronius five hundred pounds, and pays him at the day, but without witness. Sempronius sues him for the money: Agricola owes him none, but cannot prove the payment; but yet may not, when he is particularly interrogated, to save himself from injury, deny that ever he received any. He must confess the truth, though he pay the money again. Covaruvias affirms, that he may, in this case, lawfully deny that ever he received any; because he is not indebted, he received none that remains in his hand: and to other purposes the judge cannot question him: and if he does he is unjust, and therefore Agricola is not tied to answer rightly. But this is not well said nor well considered. For the judge being competent may require him to answer; and the intention of the question is not to know whether Agricola had paid the money, yea or no; but whether he borrowed it, for if he did, the judge is afterwards to inquire concerning the payment; and as Sempronius was tied to prove that, so is Agricola tied to prove this; and a lie is not to be confuted by a lie, nor the error of Agricola in not taking witnesses, or an acquittance to be supplied by a direct denial of a truth. But if Sempronius had lent Agricola five hundred pounds, whereof he hath received two hundred pounds, if the judge ask whether he owes him that sum which Sempronius demands, he may indefinitely and without more punctuality deny the debt, that is, of five hundred pounds, saying that he owes it not: and if the law be such that the confession of one part entitles him to the whole, he may deny the whole to be due, in case he hath paid a part. But with these two cautions, 1. That if he be asked concerning a part, he answer to that as justly as he answers to the whole; 2. That he do not make use of this subterfuge to defraud Sempronius of what is due debt, but only to defend himself from the undue demand. These cautions being observed, he hath liberty so to defend his cause, because "majori summæ negative prolatæ minorem nec naturaliter nec civiliter inesse," say the lawyers. A man by denying the whole, does not deny the part, though he that affirms the whole, affirms the part; and therefore this defence is just because it is true. But now if in a just cause the advocate or party may not tell a lie; I conclude that much less may he do it in an unjust cause, and for the defence of

[m] L. Compat. Sect. Titio, ff. de Legat. Secundo.

wrong. But "much less," signifies nothing, for it may not at all be done in either; and in pure perfect negatives there can be no degrees. But in artifices and crafty intercourses there is some difference: these may be used to defend a just cause that can no other way be defended; but they may not be used to promote an evil cause; because they of themselves, though they be indifferent, yet not serving a good end but an evil, do therefore become evil. And therefore the Greek that denied the "depositum" of his friend, and offered to swear at the altar that he had restored it already, did not preserve his conscience and his oath, by desiring his friend to hold the staff in which he had secretly conveyed the money. It is true, he delivered it into his hand, desiring that he would hold it till he had sworn; but that artifice was a plain cozenage, and it was prettily discovered: for the injured person in indignation at the perjury, smote the staff upon the ground and broke it, and espied the money. But that made all right indeed, though against the intention of the perjurer. Such like arts as these must not be used to do a mischief; if they do charity and justice,—though they have not something to legitimate them, they have very much to excuse them.

15. (7.) It is lawful to do otherwise than we have said, when the doing is better than the saying: if the saying were ill, there is no scruple of it; for it ought not to be done, but the saying is to be repented of: not that the saying was a lie, for there is no way of making it good but by causing it to pass into a lie, that is, into vanity and nothing. But then, if the saying be less good, and the deed be contrary, and yet much better, the truth is not so much as the bounty; and there is no injustice in the lie, because there is charity in the action, and a sufficient leave presumed to be given by him that is concerned. Thus the emperor that said he would cut off every one that pissed against the wall, being afterwards appeased and persuaded to mercy towards them that had done amiss, he expounded his words concerning dogs, and caused all the dogs in the town to be killed. No man here was injured; and it had been an importune adhering to a truth, and a cruel verification of his word, to have preferred his word before the lives of so many citizens.

16. (8.) It is not lawful to tell a lie to save our fame; but we must rather accuse ourselves than tell a lie, or commit any other sin. "Nemo tenetur infamare se," is a rule universally admitted amongst the casuists; "No man is bound to discover his own shame." And upon this account, they give leave to men to hide their sin, to leave their repentance imperfect, to tell a lie, to hazard the not doing of a known duty, to injure innocent persons. Thus when a man hath stolen goods, he is bound to restore, but not if it cannot be done without discovering his person, because no man is bound to disgrace himself. If an adulteress hath some children by her husband, others secretly by a stranger, she is bound not to suffer the legitimate to be injured by provisions for the other: this is true: but if she cannot prevent the injury to the legitimate without discovering herself to her husband, "non tenetur," "she is not bound" to defame herself. If her husband examine her concerning it, she may hold her peace: but if that increases the suspicion, she hath no way to escape but by denying it; for she is not obliged to betray or accuse herself. This is the doctrine of the canonists and masters of conscience in the church of Rome, which, as yet, are almost all that have written upon cases. Navarre[n] is the man, whom I choose for all the rest. "Nemo tenetur restituere cum periculo famæ consequentis virtutem moralem vel theologicam; non famæ partæ in aliis rebus præclaris; ut ingenio, divitiis;" "No man is bound to make restitution with the hazard of his fame consequent to a moral or theological virtue;" that is, if it will make him suspected not to be a good man: but if it will only hinder or hazard his reputation of wisdom or wealth or any thing of these natures, it hinders not. And again: in the case of an adulteress, "Peccavit, sed potest absolvi, licet taceat, et noceat patri putativo et hæredibus, quando timetur mors, vel amissio famæ," &c. "She hath sinned, but she may be absolved, though she hold her peace, and be injurious to the supposed father, and wrong the heirs; that is, if she be in peril of her life, or fears the loss of her fame."—"To save a man's credit, an honest man, to whom it would be a great shame to beg, 'videtur posse clanculum necessaria surripere,' 'may privately steal necessaries:'" so Diana.[p] And if so, I do not doubt but he may also lie, and deny it to save his credit, if he be asked uncivilly concerning it. But this also the doctors expressly affirm, that if Titius have disgraced Caius by publishing his secret shame to defame him, he is bound to make restitution of his good name, by denying what he said, that is, by telling of a lie, or by mental reservation; and that is all one, as I shall prove in the sequel. So Emenerius. Against these prodigies of doctrine I intend this paragraph. We must not commit a sin to save our life, much less to save our fame; and indeed nothing does more deserve infamy than to tell a lie. nothing disgraces a man more: and if a lie be an injustice, then no end can save it harmless.

17. But then concerning our fame, we must rather let it go, than let our duty go. For though our fame is a tender part, and very valuable, yet our duty is more; although our fame is necessary for others, yet a good conscience is necessary to ourselves:[q] and he is cruel that neglects his own fame: but he is more cruel that neglects his own soul; and therefore we may expose our good name to go as God shall please, 1. When we ask counsel and remedy for our soul. 2. To avoid the sin of pride, and punish the vanities of our spirit. 3. To exercise and increase the grace of humility. 4. In humiliation and penance for our sins, when our fame is not necessary to others, that is, when we are not eminent and public persons. 5. When we are tied to any express duty which is indispensably necessary, as restitution of fame or goods, and yet cannot

[n] Habetur in Compendio Navarri per Petr. Guivar. edit. Antwerp. 1595. p. 93.

[o] Pag. 82. [p] Vide Compen. Impress. Lugd. 1641. p. 355.
[q] S. Aug. lib. de Bono Viduit. cap. 22.

be done without the publication of our person and our shame. 6. When for our own greater good or for the public interest we are commanded by a just and competent authority. 7. And lastly, When we must either confess our sin or tell a lie, which is the thing now in question; for we must rather suffer shame than do things worthy of shame,—rather be ashamed before men than be ashamed before God, that is, rather be disgraced than damned: for nothing needs a lie but a sin to hide it, and by a lie a sin is made two.

18. (9.) It is not lawful to tell a lie in humility, or the confession of sins and accusation of ourselves. "Cum humilitatis causâ mentiris, si non eras peccator antequam mentireris, mentiendo efficeris quod evitâris;" said St. Austin.[r] "He that lies in humility, and calls himself a sinner in that wherein he was innocent, hath made himself a sinner by his lying." —And this was it which Abbot Zosimus[s] wittily and piously replied; for when he said he was the greatest sinner, and the vilest of men, to him that reproved him for saying so, and telling him that it was not truly said of him, because every one knew he served God with great diligence and great sincerity, and therefore he ought to speak more truly of himself and more thankfully of God; Zosimus replied, "You say very well, I ought to speak truth of myself and thankfully of God: but I am false and unthankful, but therefore I did say true, and not unthankfully." But we have truth enough to say of ourselves to make us humble without saying what is false. Ὁ δὲ εἴρων ἀνάπαλιν, ἀρνεῖσθαι τὰ ὑπάρχοντα, ἢ ἐλάττω ποιεῖν, says Aristotle;[t] "To deny the good things that are in us, or to make them less, is dissembling."—All pride is a lie; but humility is truth: and therefore it is but a dissembling humility that lives upon the bread of deceit. Synesius, bishop of Ptolemais, was a wise man and a great philosopher. But when he was chosen bishop, he refused it passionately; and that his refusal might be accepted, declaimed most bitterly against himself; that he was a man given to gaming, from which a bishop should be free as God himself; that he did not believe that the world would ever perish; that he did not assent to the article of the resurrection of the dead; that being a philosopher of the Stoical sect, he was something given to lying; that he was not popular in his opinions, but humorous and morose, secret and resolute; that if he was forced to be a bishop, he would then preach all his opinions. For all this, Theophilus bishop of Alexandria consecrated him bishop, as knowing all this to be but stratagem and the arts of an odd fantastic humility. But it was ill done; and Synesius had this punishment for his lying modesty, that he was believed by posterity to be so heathenish and unworthy, that that church chose him bishop only upon hopes he would mend. So Evagrius[u] and Nicephorus[x] report.

19. (10.) In a just war, it is lawful to deceive the unjust enemy, but not to lie; that is, by stratagems and semblances of motions, by amusements and intrigues of action, by ambushes and wit, by simulation or dissimulation,

Ἤ δόλῳ, ἢ ἐν βίῃ, ἀμφαδὸν, ἢ κρυφηδόν,

"by force or craft, openly or secretly," any way that you can, unless you promise the contrary: for it is in open war, if the war be just, lawful to do justice upon the enemy all the ways we can; craft is but the facilitation of the force; and when it is a state of war, there is nothing else to be looked for. But if there be a treaty or a contract, a promise or an agreement, in any thing, that is a state of peace so far, and introduces a law; and then to tell a lie or to falsify does destroy peace and justice, and by breaking the law reduces things to the state of war again.

Χρὴ δὲ πᾶν ἔρδοντ' ἀμαυρῶσαι τὸν ἐχθρόν.
PINDAR.

"It is lawful to do any thing to destroy your enemy;" that is, so long as you profess hostility: and therefore if you tell a false tale to him to deceive him, when you are fighting against him, he is a fool if he believes you, for then you intend to destroy him; but you are not unjust, you are in a state of war with him, and have no obligation upon you towards him. Thus Elisha[y] told a lie to the Syrian army which came to apprehend him, "This is not the city, and this is not the way:" and this is approved and allowed by Plato and Xenophon, Homer and Pindar, Polybius and Thucydides, Plutarch and Lucian amongst the Greeks, Philo amongst the Jews: and St. Chrysostom[z] amongst the christians says, "If you examine all the bravest generals, you shall find their bravest trophies to be the production of fraud and craft, καὶ μᾶλλον τούτους ἐπαινομένους ἢ τοὺς φανερῶς κρατοῦντας, "and that they were more commended than such who did their work by fine force." Thus the causing false rumours to be spread amongst the enemies is an allowed stratagem in war, neither ignoble nor unjust. Flaccus[a] told that Æmilius had taken the enemies' town, to dishearten the party he fought against: and Quintius the consul caused to be spread abroad, that the enemies on the right wing were fled. By such arts it is very usual to bring consternation to the hostile party: and he whom you may lawfully kill, you may as well deceive him into it, as force him into it; you being no more obliged to tell him truth than to spare his life: for certainly of itself killing is as bad as lying; but when you have no obligation or law to the contrary, and have not bound yourself to the contrary, you may do either. But this is at no hand to be done in matters of treaty or promise, either explicit or implicit, as in parties, and truces; and therefore it was a foul stain upon Hannibal,[b] that he professing open war against the Romans, did also profess it against faith and justice, keeping no word or promise, if it was for his advantage to break it; and the Trojans were troubled in conscience at their fallacious conducting of their wars, not by stratagem, but by breaking their oaths and covenants.

[r] De Verb. Apost.
[s] Dorotheus Doctr. 2. n. 11.
[t] Eth. lib. 4. cap. 7.
[u] Evagr. lib. 1. cap. 15. Hist.
[x] Niceph. lib. 14. cap. 55.
[y] 2 Kings vi. 19.
[z] Lib. 1. de Sacerdotio.
[a] Livius, lib. 3. 29.
[b] Valer. Max.

———νῦν δ' ὅρκια πιστὰ
Ψευσάμενοι μαχούμεσθα, τῷ οὐ νύ τι κέρδιον ἡμῖν, &c.
Iliad. 8.

"We fighting with lying and breaking promises," which is unlawful to do. For concerning this thing, that even in war we are bound to keep faith and promise made to our enemies, it is certain and affirmed by almost all wise and good men of the world: "Liquet etiam in bello fidem et justitiam servari oportere, nec ullum decorum oportere servari, si violetur fides," said St. Ambrose;[c] and he proves it by example of Joshua, who kept his promise with the Gibeonites got fraudulently from him. And the same is the sentence of St. Austin;[d] "Fides quando promittitur, etiam hosti servanda est, contra quem bellum geritur:" and therefore when Nebuchadnezzar had conquered Zedekiah, and taken him into protection and peace upon his word and promise of fidelity, because he afterward did privately solicit the king of Egypt to fight against the king, he was put to death with greatest cruelty. And this is not only true between those who are public enemies, foreigners, and strangers, and supreme in their respective dominions, which the law properly signifies under the word "hostes;"[e] for this is without question: and therefore all men condemn those that violate ambassadors, or that break the laws of truce; and every one blames Titus Labienus[f] for wounding Commius of Arras under the colour of parley: but Attilius Regulus[g] is commended for refusing to give his voice in the senate so long as he was not discharged of his oath made to the Carthaginians. But this is also true, and our word and faith is sacred, when it is passed to all sorts of enemies, to rebels, to thieves, to civil adversaries, to condemned persons, to fugitive servants, such as Spartacus, Eunus, and Athenio; and the reason of all is the same. "Inter quos juris alicujus communio est, inter eos obligationem contrahi;" "They that are under the same law, are equally bound;" and whoever promise or treat, do it at least by the law of nature or nations, which alike bind them who are free from any civil obligation. This is that which Triphoninus said, that if a thief intrusts any goods to the right owner, not knowing that they are his own, he is not obliged to restitution; but every man else is, if he have promised, because they are none of his, and therefore he can be obliged to repay them: and for thieves and fugitives the people of Rome did treat with them, and sent ambassadors; and all that was bound upon them by that intercourse they kept religiously. And the same they did to condemned persons; as appears in that famous case of Caius Rabirius,[h] who was questioned for killing L. Apuleius Saturninus against the public faith given him by the people, when he and his companions fled to the Capitol for immunity and a guard against the sentence of death which he had deserved.

But all this is to be understood so, that the faith and word be given by him who hath power to verify it; but when A. Albinus made a peace with King Jugurtha, for which he had no commission, the senate was not obliged to verify it; and Camillus the dictator broke the peace which the Romans had foolishly made with the Gauls; and Scipio dissolved the contract which Masinissa and Sophonisba made without his leave, who had the power. In this there is only caution to be had, that there be no combination to deceive or rescind what is found to be disadvantageous, nor advantages taken by the change of hands. For if the Romans, finding relief come, made Camillus dictator that they might by pretence of his command break the peace, they did dishonourably and false; but if he was dictator before the peace, he had power, and he had reason. To this can be referred the case of two Italian gentlemen. Guarino had injured Antonio de Imola; but confessed his fault, asked pardon, made amends: and then Antonio swore his peace and his forgiveness, and that his hand should never be upon him; but in his heart bore him a secret grudge, and therefore smote him secretly, saying that Guarino was a bandit, and therefore condemned by the laws. This is to make our promise the cover of a lie, and the laws to minister to crafty mischiefs. After a promise, a man must not change his mind, and then make excuses. "Renunciatio sui juris per pœnitentiam revocari non potest," saith the law.[i]

But deceiving the enemy by the stratagem of actions or words is not properly lying; for this supposes a conversation of law or peace, trust or promise explicit or implicit. A lie is the deceiving of a trust or confidence; but in fighting there is none of that; it is like wrestling and fencing, a design to make that part unarmed where he may strike the surer: and of this St. Clements[k] of Alexandria affirms expressly concerning stratagems in war: "Hæc omnia licebit efficere, vel persuadendo, vel cogendo, vel injuriam faciendo in iis ulciscendis quibus expedit, vel faciendo id quod justum est, vel mentiendo, vel vera dicendo, vel etiam simul utendo aliquibus eorum in eodem tempore:" "All these things it is lawful to bring to pass by persuasion or by force, by doing injury or harm there where we are to do revenge, by doing that which is just, or by telling that which is true, or by lying, or by doing any one or more of these together."—"Hæc autem omnia, et quomodo oporteat uti unoquoque eorum, cum Græci accepissent à Moyse, non parvam accepere utilitatem;" "When the Greeks received all these things from Moses, and how they were to use any one and every one of these, they received no small advantage."

20. In this case all the prejudice which the question is like to have is in the meaning and evil sound of the word "lying;" which because it is so hateful to God and man, casts a cloud upon any thing that it comes near: but lying (which St. Basil calls "extremam malitiæ lineam," "the extremity of malice," which St. Ephrem calls "the rust of conversation") is, indeed, an enemy; but in war, so

[c] De Offic. lib. 1. cap. 29. [d] Epist. 1. ad Bonifac.
[e] L. Quos nos, ff. de Verborum Signif.
[f] Hirtius Bell. Gallic. 8. c. 3. [g] Cicer. lib. 3. Offic.
[h] Vide Orat. Cicer. pro C. Rabirio. Appian. Bel. Civil. l.
[i] L. Pactum, ff. de Pact.
[k] Stromat. lib. 1. cap. 13.

it should be; only in peace, and contracts, and civil conversation, it is intolerable. In war it is no lie, but an engine of war, against which the enemy is to stand upon his guard: and if a man may falsify a blow, much more may he falsify a word; and no justice, no promise, no charity, no law, restrains the stratagems in a just war; they which may be destroyed, may be deceived; and they may be deceived by false actions, nay by false words, if there be no collateral obligation or law to the contrary: "A just man (saith St. Austin[l]) is to take care of nothing but that his war be just;" that is, by a just authority, and for a just reason. "Cum autem justum bellum susceperit, utrum apertâ pugnâ, utrum insidiis vincat, nihil ad justitiam interest:" "But if it be a just war, it matters not as to the question of justice, whether he overcome by force or by deceit." —"Dolus" and "perfidia" are extremely different. —"Dolus an virtus quis in hoste requirat?"[m] and, "bonum esse dolum si quis adversus hostem latronemve machinetur," said Ulpian;[n] "Craft against a thief or enemy is good; but not perfidiousness." —"Nullo discrimine virtutis ac doli prosperos omnes laudari debere bellorum eventus," said Ammianus Marcellinus.[o] To bring war to a happy end, you may use force or wit; but at no hand break a promise, or be treacherous.

21. He that desires to see more particulars to the same purpose, may, if he please, see Lipsius's Politics[p] and Adam Contzen,[q] together with the excellent examples of great and wise personages in Polyænus and Frontinus.

(11.) But this is not to be extended to a license of telling a lie of the enemy in behalf of our own country, for fame and reputation, for noises and triumph; and I remember that Poggius upon this account lost the reputation of a good historian.

Dum patriam laudat, damnat dum Poggius hostem,
Nec malus est civis, nec bonus historicus.[r]

He was a good citizen, but an ill historiographer, that commended all the actions of the Florentines, and undervalued their enemies.

22. (12.) Princes may not lie for the interests and advantages of government. Not in contracts, treaties, bargains, embassies, and all the intercourses of peace and civil negociation. For besides it is an argument of fear and infirmity to take sanctuary in the little subterfuges of craft, when they are beaten from their own proper strengths,—it is also a perfect destruction of government and the great bands of society and civil intercourse; and if they be used to fail, no man can be confident of that affirmative which ought to be venerable and sacred up to the height of religion; and therefore the Egyptian law pressed this affair well,—Let all that break their word and oaths, die for it; because they are laden with a double iniquity, "et pietatem in Deos violant, et fidem inter homines tollunt, maximum vinculum societatis," "they destroy piety and reverence towards God, and faith amongst men, which is the great ligature of society." And if princes do falsify their word and lie, their neighbours can have no intercourse with them, but by violence and war, and their subjects none but fear and chance. For princes to lie is the greatest indecency in the world: and therefore Diodorus Siculus[s] tells that the Egyptian princes used to wear a golden chain mixed and distinguished with curious stones, and they called it truth; meaning, that nothing was a greater ornament to a prince, nothing ought to be more sacred, or more remembered.

23. Bodinus says otherwise, and that princes and judges have leave, because sometimes they have necessity, to lie; and of the same opinion was Plato,[t] provided it was done for the good of the people. But that which they mean is only in affirmations and narratives, in adding confidences or producing fears, in making laws and establishing religions; such as was that of Numa, who when he had a mind to endear to the people those good laws which he had made, said, that he received them from the goddess Egeria. This may be done against an enemy; and if it be for the good of the people, it hath in it charity and some show of prudence, but not to the bravery and magnanimity of a prince; but however it be in this, it can never be permitted to violate a promise or a treaty, nor yet to tell false in a treaty, for that is against peace and against justice. When there is in it no harm, but all good, as in order to persuade the people to a duty, or to their benefit, they in matters of public life being like children in the affairs of their private, that is, when their need and incapacity of being otherwise governed require it, they may be used as they can, according to that of the Persians, "Sapientes dicunt quod mendacium, beneficium faciens, melius est vero exitium parturiente;" "When a lie does charity, it is better than an uncharitable and pernicious truth;" always supposing, that the lie which serves charity, be not against justice; but when it is in treaties, there a lie does not only disgrace the sincerity of the prince that treats, but is of itself apt to hurt the other; and therefore at no hand to be admitted.

24. The next inquiry is concerning persons criminal, and so for others in proportion.

Question II.

Whether it be lawful to use restrictions and mental reservations, so that what we utter is false, but joined to something within does integrate a truth, and make up a true answer.

25. To this I answer, that this hath no distinct consideration of its own; but whether a mental reservation makes that to be true which would otherwise be a lie. For if it be still a lie, a criminal person may no more speak half-truths than whole lies; for that which is but the half of a true proposition, either signifies nothing, or is directly a lie. And upon this supposition, this question is just to be governed by the measures of the first; and in the same cases in which it is lawful to tell a lie, in

[l] Qu. 10, 11. in Josue.
[m] Virg.
[n] Lib. 1. ff. de Dolo Malo.
[o] Lib. 17.
[p] 5 Politic. c. 17
[q] Lib. 10. Pol. cap. 38. et 46, 47.
[r] Sanazar. 1 Epig.
[s] Lib. 2. Antiquit.
[t] Lib. 3. de Rep.

the same cases it is lawful to use a mental reservation: for that which is lawful without it, is also lawful with it; and the mental reservation does not save it harmless, if it be still a lie. That therefore is the question, whether he that speaks a lie, and thinks the other part which makes it a true proposition, speaks truth yea or no.

26. The case is this. When Campian was taken in England, he gave out that his name was "Butler;" the magistrate inquires, and is so answered: and he gives him his oath, and he swears that his name is so; so much he said: but he added withal to himself, secretly, "It is my name that I have borrowed, or my name for this time:"—but that was not the question; for he was asked that he might be known, and he answered that he might not be known. And he might as well have said, "That is my name," and have added in his thought, "Not at all," or, "Hoc est nomen meum," and in mind have added, "Falsum;" and then the case would have been too plain, and too contemptibly ridiculous: like the sycophant in Plautus: "Advenio ex Seleuciâ, Macedoniâ, Asiâ atque Arabiâ;" this was a lie: but he turned aside and spake softly, "quas ego neque oculis neque pedibus unquam usurpavi meis," and so he made up the matter: but he was a liar still: for let the whole be true, yet he speaks but half, and by that half deceives. All that he says is a lie, for the contradictory of it is true; and it is concerning his answer, and the saying, that the question is. It is not inquired whether the man think a lie, but whether he speaks one; and not what it is to himself, for no man can lie to himself, but what this is to him that asks, for to him he lies. And suppose a man should write a proposition, and think the rest, to make it true,—would not all the world say he wrote a lie? What it is in writing, it is in speaking; that which he speaks in the present case is a lie, and for that he is condemned. For if the words are a lie without a mental reservation, then they are so with it; for this does not alter the words, nor the meaning of the words, nor the purpose of him that speaks them.

27. And indeed, this whole affair is infinitely unreasonable; and the thinking one thing, and speaking it otherwise, is so far from making it to be true, that therefore it is a lie, because the words are not according to what is in our mind: and it is a perverting the very end and institution of words, and evacuates the purpose of laws, and the end of oaths, making them not to be the end of questions, and the benefit of society, and all human intercourse, and makes that none but fools can lie, none can lie but they which cannot dissemble, that is, they which cannot think one thing and speak another, they which cannot so much as think what is true, or what words would make it true. Certain it is, the devil need not ever tell a lie, and yet serve all his ends. And besides all this, such a person gives the scandal of a lie, and produces the effect of a lie, and does intend the end of a lie, and it is the material part of a lie; only what the man owes to justice, he pays with thinking.

28. But then I consider further, if the words spoken be, of themselves, a lie, and therefore he thinks it necessary by a secret supply of thought to new-mould it into truth; to what purpose is that done? that it may be no lie to himself? or that it may be no lie before him to whom he speaks it? As for himself, he is not concerned in it, but only that he speak truth; but the other is: and if it be a lie without that supplement, (for therefore he supplies it secretly,) then till it be supplied and made up to him before whom he speaks it, it is a lie to him, to whom it ought to be a truth. If the man be bound to speak truth to the magistrate, let him do it; but if he be not obliged, let him tell a direct lie, for this supplement is but a confessing in conscience that it is a lie; and therefore there is no need of such a dissembling artifice; there is more ingenuity in saying that they are not tied to tell truth: but he that tells a lie, and by his mental reservation says he tells a truth, tells two lies, one practical, and the other in the theory; one to the magistrate, and the other to himself.

29. I do not say, that, in all cases, it is unlawful to use mental reservations, even in craftiness and escape. (1.) St. Gregory[u] hath a case in which he affirms it lawful. "Tyrannorum versutiam atque sævitiam quandoque esse piâ fraude deludendam, et objicienda eis quæ credant, ut nocendi aditum non inveniant;" "To prevent and elude the craft and cruelty of tyrants, they must sometimes be deluded by a pious cozenage; and something must be imposed upon their credulity, that their ways of mischief may be obstructed." And then he adds, this is to be done so, "ut caveatur culpa mendacii; quod tunc bene perficitur, cum illud fit quod asseritur, sed quod sit sic dicitur, ut celetur; quia ex parte dicitur, et ex parte reticetur:" "when there is nothing told that is false, but yet the matter is hid, because it is not all spoken." Indeed this is one kind of innocent doing it; but this is lawful to be done without great necessity, even for a probable reason: it is nothing but a concealing of some part of the truth, and a discovery of another part, even of so much as will serve our turn. But,

30. (2.) Restrictions conditional are lawful to be used in our intercourses; that is, the affirmation or negation, the threatening or promising of a thing, may be "cum tacitâ conditione," "with a condition concealed;" when that concealment is not intended for a snare, but it is κατ' οἰκονομίαν, a usual dispensation, and is competently presumed, supposed, or understood. Thus God commanded Jonah to preach against Nineveh, "Yet forty days, and Nineveh shall be destroyed;" meaning, unless they did repent. Thus we may say, "I will to-morrow distribute my alms, and will give you a part," meaning, if you will come for it. So for affirmations: the physician says to his patient, "You are but a dead man:" that is, unless some extraordinary blessing happen: "You are in no danger;" meaning, if you will use the remedies prescribed. But in all these cases the condition must not be insolent, undiscerned, contrary to reasonable expectations, impossible, or next to impossible: for if it be such which cannot be under-

[u] Lib. 6. in 1. Reg. cap. 3.

stood, the reservation is a snare, and the whole intercourse is a deception and a lie.

31. (3.) If the reservation be not purely mental, but is understood by accidents and circumstances, it is lawful. The shepherd of Cremona that was asked concerning the flock he kept, whether those were his sheep or no, answered confidently, that they were; meaning secretly, not his own possession, but his own charge, and not his neighbour Morone's flock. He said true, though his thought made up the integrity of his true proposition, because it was not doubted, and he was not asked concerning the possession, as not being a likely man to be so wealthy. So the guide whom you ask upon the road, tells, "You cannot go out of your way," meaning, if you follow your plain directions, and be not wilful, or careless, or asleep; and yet he says truth, though he speaks but half, because he deceives none, and is understood by all. Thus the prophet Isaiah[x] said to Hezekiah when he was sick, "Thou shalt die and not live;" meaning, that the force of the disease is such as to be mortal, and so it stands in the order of nature: and when afterwards he brought a more comfortable message, he was not thought a liar in the first, because they understood his meaning, and the case came to be altered upon a higher account.

32. (4.) When things are true in several senses, the not explicating in what sense I mean the words, is not a criminal reservation. Thus our blessed Saviour affirmed that himself did not know the precise day, when himself should come to judge the world; that is, as St. Austin, and generally the christian doctors, say, as man he did not know it, though being God he did know all things.[y] But, 1. This liberty is not to be used by inferiors, but by superiors only; 2. Not by those that are interrogated, but by them which speak voluntarily; 3. Not by those which speak of duty, but which speak of grace and kindness: because superiors, and the voluntary speakers, and they which out of kindness speak, are tied to no laws in this particular, but the measures of their own good-will; and the degrees of their kindness, of their instruction, of their communication, are wholly arbitrary: but the inferiors, the examined, the speakers out of duty and obligation, are tied to answer by other measures, by their exigencies, demands, understandings, and purposes; and therefore must not do any thing whereby that truth, which they have a right and interest to inquire after, may be hindered. The conclusion is this, in the words of St. Gregory;[z] "Sapientia justorum est, nil per ostensionem fingere, sensum verbis aperiri;" "The wisdom of just men is to make no pretences for deception, but by words to open the secret of their heart."

Question III.

33. Whether it be lawful to equivocate, or use words of doubtful signification, with a purpose to deceive, or knowing that they will deceive; and in what cases it is so.

34. To this I answer as to the former, Where it is lawful to lie, it is lawful to equivocate, which may be something less than a plain lie: but where it is not permitted to tell a lie, there the equivocation must be innocent, that is, not deceiving, nor intended that it should. And this is that which the Hebrews call "corde et corde loqui," "to speak dissemblingly," "labiis dolosis," "with lips of deceit." For it is remarkable, that "corde et corde" signifies "diligence and sincerity," when it means "work or labour;" but it signifies "falsehood and craft," when it means "speaking;" for nature hath given us two hands, and but one tongue; and therefore a duplicate in labour is a double diligence, but in talking it is but a double fraud. Tacitus observes of Tiberius, "Verba ejus obscura, suspensa, perplexa, eluctantia, in speciem composita:" "His words were obscure, broken, interrupted, perplex, and intricate, striving and forced, and made for show and pretences." Now if by artifices you deceive him that trusts you, and whom you ought not to deceive, it is but a lie dressed in another way, and it is all one: for "nec artificioso ingenio, nec simplici verbo oportet decipere quenquam, quia quolibet artis modo mentiatur."[a] So that in solution of this question we are only to consider what equivocal speeches may be used, that is, which of them are no lies: for the rest, they are lawful or unlawful by the measures of the first question; for sometimes equivocation is a lie, and equally destructive of civil intercourse. "Duplex responsio habet effectum simplicis silentii."—You had as good not speak at all, as speak equivocally; for "a double speech is as significant as a single silence."

35. (1.) It is lawful upon a just cause of great charity or necessity, to use in our answers and intercourses words of divers signification, though it does deceive him that asks. Thus Titius, the father of Caius, hid his father in a tub, and to the cutthroats that inquired for him to bloody purposes, he answered, "Patrem in doliolo latere:" now that did not only signify a little tub, but a hill near Rome, where the villains did suspect him to be, and were so diverted.—Thus we read of a Greek, that, in the like case, hid his brother under a wood-pile; and to the inquisitors answered, "that he did lie hid ἐν τῇ ὕλῃ," somewhere "in the wood." Now in these cases where there is no obligation to tell the truth, any man may use the covers of truth; especially when in this case it is not a lie: for an equivocation is like a dark lantern; if I have just reason to hold the dark side to you, you are to look to it, not I. If christian simplicity be not concerned in it, nor any other grace indirectly, certain it is that truth is not concerned: for, "In ambiguo sermone non utrumque decimus, sed duntaxat quod volumus," said Paulus the lawyer.[b] Now that part of the ambiguity which I intend it in, is true; I would never else use that way to save my conscience and to escape a lie: so that if nothing else be concerned, truth is safe. But then care also must be

[x] Isa. xxxviii. [y] Theophylact. in 24. Matth.
[z] Moral. lib. 10. cap. 27.

[a] S. Aug. de Conflictu Virt. et Vitiorum.
[b] L. 3. ff. de Rebus Dubiis.

taken, that he who hath right to be answered, be not defeated without his own fault. For,

36. (2.) If I intend to deceive him, it must be such a person whom I have power to deceive; some one that is a child, or a madman, or an incompetent person to judge for his own good, and one that no other way will be brought to do himself good, one that is willing, or justly so presumed. For unless I have power or right to deceive him, I must not intend to deceive him by any act of mine directly.

37. (3.) If it be fit that he be deceived, though I have no right to do it, let him deceive himself; it must be by his own act; to which I may indeed minister occasion by any fair and innocent means. It is fit that he, who by violence and injury intends to do mischief to innocent persons, be hindered from it; and there is much good done if an innocent be rescued, and no harm done to the tyrant if he be diverted, and no wrong or injustice if he do deceive himself. Thus if he runs into error by a just and prudent concealment of some truth; if he is apt to mistake my words out of a known and by me observed weakness; if his malice is apt to make him turn all ambiguous words into his own sense that will deceive him; if I know he will listen to my whispers to another person, and watch my secret talk to others; I am not bound to say what will inform him, but what will become my intercourse with the other: in all these and the like cases, if I use my own liberty, I do no man injury. I am not bound to speak words of single signification; if it be sufficient to express my meaning, if it be in the nature and use of the words apt to signify my mind, and to speak that which is true, let him that stands by look to it; I do all that I am obliged to do by the interest of justice and truth. For in these cases, he that speaks, does but minister occasion to him that is mistaken; like him that represents artificial sights before the eyes, or as the rainbow in the clouds is occasion of a popular error, that is full of colours.

38. (4.) But then this must be so used, that the amphibology or equivocation be not insolent and strange, but such as is usual in forms of witty speech. For then he who uses them, does no more deceive his hearer, than he that speaks obscurely or profoundly is the cause of error in the ignorant people. Thus if Caius promise to pay to Regulus a hundred Attic drachms, he is to do it, if he does owe it, else not: for if he owes none, he must pay none, and he did not promise to give him any thing. For if a meaning be clearly contained in the word spoken, it may be made use of to any just and reasonable advantage; especially if that word ought or was likely to have been understood by the concerned hearer. But this may not be done in fraud and to the diminution of any man's rights. Asper buys corn and linen of Camillus, who is newly come from Egypt: they agree together, that Camillus shall receive ten talents; but that he shall give him as a free gift half of it back again; and call the ten talents the just price, and the telling it a just solution. If Asper sells his linen by the proportion of the great price told over, he is a cozener; and uses the words of "price," and "payment," and "gift," fraudulently: the amphibology might have been used to ends of justice and reason, but not of knavery and oppression.

39. (5.) And this must also be upon just cause. For if a magistrate sends to inquire for Titius, and the officers ask "an Titius sit domi," "if he be at home:" to him we may not answer, "Titius non est domi," "He does not eat at home:" meaning the word "est" in a sense less usual, to deceive him in the more common, who ought not to be deceived at all; but to save a man's life from violence and injury it may be done. This way hath been sometimes used to vile persons. Thus Cleomenes, having made truce with his enemies for thirty days, used to plunder his country in the night; and Labeo having agreed to give up half his navy to Antiochus, cut his ships in pieces, and made them good for nothing. The like stories are told of Alexander, of the Locrians, of Otho Moguntius. But it was a barbarous thing of Pericles, who promised safety to the enemy if he would lay aside his iron, that is, their arms, as all the world understood it, and as the nature of the thing did signify: when he had done so, he fell upon the whole body of them, and cut them in pieces, showing for his excuse, the iron buttons that they had upon their coats. Such frauds as these are intolerable in their event, and evil in their cause, and detested by all good and just men. To this purpose I remember a worthy story told by John Chokier, of a Spanish governor of a town in Milan, who kept a noble person prisoner with hard usage, and when his lady came to petition for his liberty, promised to deliver her husband to her, if she would let him lie with her. The poor woman being wearied with his temptation and the evil usage of her husband, consents and suffers it. When the governor had obtained his lust, he would also satisfy his anger too; and kills her husband, and to verify his promise, gives her husband to the lady, but newly murdered. The lady complains of this, and tells her sad story to Gonzaga the Spanish general: he finds it to be truth, and made the lady this amends. He commands the governor to marry the lady, that by his estate she might be recompensed for the dishonour: and then, the same day, causes the governor to lose his head to pay for his dishonourable falsehood and bloody lie. It was a justice worthy of a great prince; and the reward was justly paid to such a cruel equivocation. This was "subdolus congressus," "a crafty treaty," "quo nil turpius," said Antoninus the emperor, "Nothing is baser and more dishonourable than it."—Thus did Darius to the noble Œbazus the father of three brave sons, and Xerxes to Pythius the father of five; they killed what they promised to leave with the father, adding to their cruelty the reproach and scorn of cozenage. A man hath right to use what words he will, according to the received use; but he must not use them to evil purposes: and a man may go a little from the more common use to that which is rare, so it be within the signification of the word, provided there be just cause; that which hath good in it to some, and no injury to any.

40. (6.) There is between lying and equivocation this only difference, that this may upon less necessity and upon more causes be permitted than lying. For provided that these measures now described, which are the negative measures of lying, be observed; if a man speaks doubtful words and intends them in a true sense, he may use his liberty; always provided that he use it with care, and to the reputation of christian simplicity. In arts and sciences, in jest and intercourses of wit, in trial of understandings and mystical teachings, in prudent concealments and arts of secrecy, equivocal words may be used with more freedom. "Solvite templum hoc," says Christ, "Dissolve this temple," viz. of my body, "and I will raise it up in three days."—So did that excellent confessor in Eusebius,[c] to Firmilianus, asking of what country he was, he answered, that Jerusalem was his country; "seorsim apud animum suum ita divinitus philosophatus," "privately in his mind speaking Divine mysteries," says the historian. This was well and innocent, because an equivocal speech hath a light side as well as a dark: it is true as well as false, and therefore it is, in its own nature, innocent; and is only changed into a fault, when it is against justice and charity, under which simplicity is to be placed.

41. Under these measures are to be reduced those little equivocations which are used sometimes in craft, but most commonly in wit; such as are, to answer by anagrams, so as to tell a true name but disguised by transposition of letters and syllables, or to give the signification of a name in other words. Thus if a man whose name is Dorotheus, calls himself Theodorus,—for Nicolaus, Laonicus,—for Demonicus, Nicodemus; it is an equivocation or an art of deception, but such as may be legitimated by the cause: but if the inquiry be in a serious matter, the answer must be serious and material, true and significative to the purposes of law, and justice, and society. And therefore if Nicodemus had been interrogated by Pilate in a serious cause, he might not have said his name was Demonicus; and the reason is, because he might not have concealed it. But when it is lawful to conceal it if we can, this is a just way of doing it; for it is no lie in itself, and can be made to do or to minister to that good which is intended. Thus in the book of Tobit we find that the angel Raphael called himself Azarias the son of Ananias, which indeed is the name of his office, or the rebus, the meaning of his present employment, that is, "auxilium Domini," "filius nubis Domini," "the aid of the Lord," "son of the Lord's cloud;" meaning that he was sent from the Lord in a cloud or disguise to be an aid and a blessing to that religious family. And he that called Arsinoe Ἥρας ἴον, "Juno's violet," kept all the letters of the name right, and complimented the lady ingeniously. But these are better effects of wit than ministries of justice; and therefore are not to be used but upon great reasons, and by the former measures, when the matter is of concernment.

[c] 8. lib. Hist. cap. 22.
[e] Lib. de Discipl. et Habitu Virg.

Question IV.

42. Whether it be lawful by false signs, by actions and pretences of actions, to deceive others for any good end; and in what cases it is so.

43. To this question I answer in the words of Aquinas,[d] because they are reasonable and pious: "Ad virtutem veritatis pertinet, ut quis talem se exhibeat exterius per signa exteriora qualis est; ea autem non solum sunt verba, sed etiam facta:" and a little after, "Non refert autem utrum aliquis mentiatur verbo, vel quocunque alio facto, "It is all one if a man lies, whether it be by word or by deed."—A man may look a lie, and nod a lie, and smile a lie.

44. But in this there is some variety: for, 1. All dissembling from an evil principle and to evil purposes is criminal. For thus Tertullian[e] declaims bitterly against those ladies, "who (says he) being taught by the apostate angels," "oculos circumducto nigrore fucare, et genas mendacio ruboris inficere, et mutare adulterinis coloribus crinem, et expugnare omnem oris et capitis veritatem," "besmear their eyebrows with a black semicircle, and stain their cheeks with a lying red, and change the colour of their hair into an adulterous pretence, and drive away all the ingenuity and truth of their faces."—And Clemens Alexandrinus is as severe against old men, that, with black-lead combs, put a lie upon their heads; and so disgrace their old age, which ought to be relied upon, believed, and reverenced for truth. And it was well said of Archidamus to a man of Chios, who did stain his white hairs with black and the imagery of youth, "the man was hardly to be believed, when he had a lie in his heart, and bore a lie upon his head."—These things proceeding from pride and vanity, and ministering to lust, or carried on with scandal, are not only against humility and sobriety and chastity and charity, but against truth too; because they are done with a purpose to deceive, and by deceit to serve those evil ends. To the same purpose was the fact of them, of whom Dio Chrysostom speaks,[f] who knowing that men were in love with old manuscripts, would put new ones into heaps of corn and make them look like old: such also are they who, in Holland, lately would exactly counterfeit old medals, to get a treble price beyond the value of the metal and the imagery. These things and all of the like nature are certainly unlawful, because they are against justice and charity.

45. (2.) But there are other kinds of counterfeits, such as are gildings of wood and brass, false stones, counterfeit diamonds, glass depicted like emeralds and rubies, a crust of marble drawn over a building of coarse stone;[g] these are only for beauty and ornament, and of themselves minister to no evil, but are pleasant and useful: now though to sell these images of beauty for real be a great cheat; yet to expose them to be seen as such, and every man be left to his liberty of thinking as he please, and being pleased as he can, is very innocent.

46. (3.) There is a third sort of lying or deceiv-

[d] 2. 2æ. q. 3. art. 1.
[f] Orat. 21.
[g] Vide Senecam Epist. 115.

ing by signs not vocal: that is, the dissembling of a passion, such as that of which Seneca[h] complains in the matter of grief, which is the simplest of all passions; but pretended by some without truth to purposes not good. Sibi triste non sunt, et clarius cum audiuntur gemunt; et taciti quietique dum secretum est, cum aliquos viderint in fletus novos excitantur."—So did Gellia in the epigram,

> Amissum non flet, cum sola est, Gellia patrem:
> Si quis adest, jussæ prosiliunt lacrimæ. MART.

They are full of tears in company, but in their retirements, pleased well enough. Now things of this nature are indifferent; but are good or bad according to the cause or the design. "Mourn for the dead," saith Ben Sirach, "and that a day or two, lest thou be evil spoken of."—That end is honest; and therefore to mourn in solemnity is good, if we cannot mourn in passion: and the laws enjoin to a man and woman respectively "annum luctus," "a year of solemn mourning;" all which time, it is not supposed, the passion should be troublesome and afflictive. Thus we find David pretending madness before Achish the king of Gath; it was for his life: and we do not find any of the ancient doctors blaming the dissimulation.

47. (4.) But that which is here the principal inquiry is, whether signs not vocal, which have in them ambiguity, and may signify several things, may be used with a purpose to deceive. And to this the answer is the same with the former in the case of equivocation, with this only difference, that as there is some more liberty in the use of equivocal words, than of a simple lie; so there is some more liberty yet in equivocal actions than in words, because there may be more reasons for such dubious actions than for dubious words, and they are not so near, so usual,[i] so intended significations of our mind, nor ministries of intercourse and society. But where they are taken so, they are to be governed by the same rules; save only that a less necessity may be a sufficient legitimation of such dubious signs: concerning which, besides the analogy and proportion to the former rules, there is no other measure but the severities of a good and a prudent man taking into him the accounts of christian simplicity and ingenuity.

48. I have only one thing to add in order to practice. There is a liberty in the forecited cases there, where there is a necessity, and where there is a great charity. For in these cases it is true what St. Chrysostom says,[k] "Fraudis quidem magna vis modo ne fraudulento animo fiat: quam ipsam tum ne fraudem quidem nominandam putaverim, verum œconomiam quandam potius ac sapientiam artemque qua possis è mediis, iisque imperviis, desperatarum rerum angustiis difficultatibusque, correctis et emendatis animi vitiis, evadere:" "There is a great use of artifices in our words and actions, when we are hard put to it in desperate cases and extremest difficulties, and then these arts are not indeed deceptions, but just escapes." But yet this I say, that it is not safe to use all our liberty; because when it is practised freely, we oftentimes find ourselves ill judges of the necessity. And however it be, yet it is much more noble to suffer bravely than to escape from it by a doubtful way; 1. For the love and honour of simplicity, 2. For the endeavours of perfection, 3. For the danger of sin, 4. For the peril of scandal. And it was bravely done of Augustus Cæsar, who when he had promised ten thousand sesterces to him that should bring Corocotta, a famous Spanish thief, alive into his presence, Corocotta himself came and demanded the money, and had it, and he was spared besides: he escaped for his wit and confidence; but had the money "pro fide Cæsaris," "according to the faith and nobleness of Cæsar's justice:" for he might have made use of the ambiguity of his words to have kept the money, and hanged the thief; but he thought it nobler to do all that he could be thought to have intended by his words. Ὁ μεγαλόψυχος, Παρρησιαστικὸς καὶ ἀληθευτικὸς, says Aristotle.[l] "The brave and magnanimous man does not sneak, but speaks truth and is confident."

49. It cannot be denied what St. Clemens Alexandrinus said, Ἐπὶ τῶν πλησίον ὠφελεία μόνη ποιήσει τινα, ἃ οὐκ ἂν προηγουμένῳ αὐτῷ πραχθείη, "A good man will, for the good of his neighbour, do something more than he would do willingly and of his own accord:" yet when it is his own case, it is better to let go his liberty than to run a hazard. Sarah did lie, and she was reproved by the angel; Abraham did so too, says Tertullian; "Saram sororem suam mentitus est," but he was reproved by Abimelech: Jacob did lie to his father, but he is not commended for it; and Rachel did dissemble, but she died in child-birth, and it was occasioned by that, say the Jewish doctors: Simeon and Levi destroyed the Shechemites by a stratagem, but they troubled the house of Israel by it: Tamar deceived Judah, but she played the harlot in deed as well as in words. And concerning those worthy persons mentioned in Scripture, who did lie or dissemble, the christian doctors have been put to it to make apologies and excuses, and justifications for them, and are not yet agreed how to do it. St. Basil and St. Chrysostom are two examples of several proceedings. St. Basil always bore his heart upon his hand, and showed it to every one that was concerned. St. Chrysostom used craft against the simple, and fraud against him that spoke all things in simplicity. Chrysostom was forced with laborious arts[m] to excuse and justify it, and did it hardly: but St. Basil had no scruple concerning his innocence; what he had concerning his prudence and safety does not belong to the present question. But of this last particular I have given larger accounts in a discourse[n] on purpose.

50. The conclusion is this, If a man speaks a direct downright lie, he can very hardly be innocent: but

[h] Epist. 99.
[i] Vide Aquinat. in 3. lib. dist. 38. art. 3. ad 5.
[k] Lib. 1. de Sacerdot.
[l] Lib. 4. Eth. 7.
[m] Vide in fine lib. 1. de Sacerd.
[n] Serm. of Christian Simplicity.

if by intrigues of words and actions, "per involucra verborum" (as Cicero calls it,)—"per orationem intortam," (as the comedy,) "by covers of words," and "by crooked speeches," a man have intercourse, he had need be very witty to be innocent; according to the Hebrew proverb, "If a man have wit enough to give cross and involved answers, let him use it well;" if he knows not how to do it well, let him hold his peace. It was but a sneaking evasion of St. Francis, when the pursuers after a murderer asked if the man came that way; "No," saith the friar, thrusting his hand into his sleeve, "he came not here." If a man's wit be not very ready and very clear, while he thinks himself wise, he may become a vain person. The devil, no question, hath a great wit, and a ready answer; yet when he was put to it at his oracles, and durst not tell a downright lie, and yet knew not what was truth many times, he was put to most pitiful shifts, and trifling equivocations, and arts of knavery; which when they were discovered by events contrary to the meaning which was obvious for the inquirers to understand, it made him much more contemptible and ridiculous than if he had said nothing, or confessed his ignorance. But he that does speak, and is bound to speak, must speak according to the mind of him with whom he does converse,—that is, so to converse, that by our fault he be not deceived against his right, against justice, or against charity, and therefore he had better in all things speak plainly: for truth is the easiest to be told; but no wit is sufficient for a crafty conversation.

RULE VI.

It is not lawful for private Christians, without public Authority, to punish Malefactors, but they may require it of the Magistrate in some Cases.

1. IN the law of nature it was permitted; but as the world grew older, and better experienced, and better instructed, it became unlawful and forbidden; in some places sooner, in some places later. The Ephori among the Lacedemonians, might kill criminals extra-judicially; and Nicolaus of Damascus relates, that, amongst the Umbrians, every man was the revenger of his own injuries: for till by laws men were defended, they, by revenges and retaliation, might drive away the injury as far as was necessary. But because when a man is in pain and grief, he strikes unjustly and unequally, and judges incompetently, laws were made to restrain the first license, and to put it into the hands of princes only, because they, being common fathers to their people, were most likely to do justice equally and wisely. "Idcirco enim judiciorum vigor jurisque publici tutela videtur in medio constituta, ne quisquam sibi ipsi permittere valeat ultionem," said Honorius and Theodosius; "That no man might avenge himself, —laws, and judges, and tribunals, were appointed for public justice."

2. But for this, provisions at first could not be made so generally, but that some cases would happen, and some gaps be left open, which every man must stop, and provide for as well as he could. Thus we find that Phinehas, when he saw God was angry with the sons of Israel about the matter of Moab, himself, to divert the anger that was already gone forth, smote Zimri, a prince among the Simeonites, and his fair mistress in his arms, and killed them in their crimes. From his example many zealots among the Jews took liberty to kill a man that sinned apparently. So Matthias killed a Jew, that offered sacrifice according to the manner of the Greeks; and the people killed three hundred of their countrymen upon the like account. But this quickly grew into excess and irregularity; and therefore when our blessed Lord was zealous for the honour of the temple, he went no further but to use a little whip to affright them from their profaneness.

3. And yet, in some cases, God[o] permitted private persons to be executioners; as in case a Jew tempted his child, or brother, or neighbour to idolatry, the tempted person might kill him, without delating him to the judge; and in a cause of blood, the next of kin might kill the manslayer, if he overtook him before he took sanctuary. But here the cases were such, that the private person was not judge, but by leave from God, was executioner upon the notoriety of the fact: for although for a dead person his nearest relation might with his own hand take vengeance; yet if himself was wounded, he might not, but by the sentence of the judge, say the doctors of the Jews; because he ought not to be judge, where he could hardly be moderate.

4. In the sea, and in desert places, where there can be no appeals to judges, every man is executioner of the sentence of the law of nations. Thus we find that Julius Cæsar pursued the pirates in the Mediterranean and Adriatic seas; and because the proconsul would not, he gathered a sudden navy, and overtook them, and hanged them upon the main-yards of their own vessels. Thus the wild Arabs and Circassian thieves,—that live in vast places, and under no government, being public enemies of mankind, and under no laws, nor treaties or communications of peace,—may be killed by every one that is injured and spoiled by them, when he can do it. To this agrees that of Tertullian; "In publicos hostes omnis homo miles est;" and that of Democritus: Κιξάλλην καὶ λῃστὴν πάντα κτείνων τις ἀθῶος ἂν εἴη, καὶ αὐτοχειρίᾳ, καὶ κελεύων, καὶ ψήφῳ, "He that kills a thief and a robber with his own hand, or by command, or by consent, is innocent."

Εἴκε πάθοι, τά κ' ἔρηξε, δίκη ἰθεῖα γένοιτο. HESIOD.

But this is to be understood of the permission in the law of nature.

5. For in christianity, men are not easily permitted to touch blood; not hastily to intermeddle in the causes of blood; not to give sentence for the effusion of it: these things are to be done with caution, and a slow motion, and after a loud call, and upon a great necessity, because there are two great impediments; the one is the duty of mercy, which

[o] Deut. xiii. 9.

is greatly required and severely exacted of every disciple of Christ; and the other is, that there is a soul at stake when blood is to be shed, and then they are told, that as they judge, they shall be judged—as they measure, it shall be measured to them again. And therefore criminal judges have a tender employment, and very unsafe, unless they have the guards of a just authority, and a great mercy, and an unavoidable necessity, and public utility, and the fear of God always before their eyes, and a great wisdom to conduct their greatest dangers.

6. That which remains and is permitted in christianity is, 1. The punishment of reprehension, of which every wise and good man may be judge and minister; for as St. Cyprian said, that "every bishop is a bishop of the catholic church," that is, wherever he chance to be, he must not suffer a soul to perish if he can help it, but hath right every where to minister to the necessities of souls, who are otherwise destitute,—and every where to pray in private, to bless, to absolve dying persons, to supply the defects of a widow and desolate church; so every good man hath power to punish a base and vicious person by severe and wise animadversions of reproof. For a "wise man is never a private man," —said Cicero; and Nasica, and Cato, and Fabius, and Lollius, were in authority like perpetual consuls, always in power over a vicious man.

7. (2.) It is not against the laws of christianity, that parents, and tutors, and masters, and governors, should punish criminals, that is, such as are subject to them, and by such punishments as are permitted by law, and by such measures as are agreeable to the just and charitable ends[p] of their respective governments, and by the analogy and proportions of christian mercy and clemency: in the execution of which punishments there need no other laws be given but what are dictated by the mind of a charitable, dispassionate, and a good man. But then, in these governments, there is more liberty than in any other but the supreme: for a personal injury done to a father or a tutor, may be punished by the father or tutor respectively, and so also it may by the supreme power, "Cum dignitas auctoritasque ejus, in quem est peccatum, tuenda est, ne prætermissa animadversio contemptum ejus pariat, et honorem levet," said Taurus the philosopher in A. Gellius. An injury done to a superior is a contempt of his authority, as well as injurious to his person: and if it be not punished, will soon disorder the superiority. But then this must be wholly for emendation; and though anger may be the instrument, yet charity must be both the measure and the end.

8. (3.) When the law hath passed a sentence, and given leave to any subject to be executioner, he that is injured may do it. But this is to be understood in one case only that concerns the subject, and one that concerns the prince. 1. For if the prince commands that whoever finds such a person, shall smite him to death if he can, every man is bound to it, if the law be just: as in the case of treason, or deserting their military station, it hath sometimes been decreed. "In reos majestatis," "Against traitors" every man is a soldier, says Tertullian: who affirms it also concerning all public enemies. 2. The other case, which relates to the advantage of the subject, is when the execution of the public sentence is necessary to be done speedily for the prevention of future mischiefs. Thus Justinian[q] gave leave to every man to kill the soldiers that came to plunder; for in that case there was no staying for solemnities of law, and the proceedings and method of courts; "Melius enim est occurrere in tempore quàm post exitum vindicare. Vestram igitur vobis permittimus ultionem, et quod serum est punire judicio, subjugamus edicto, ut nullus percat militi, cui obviare telo oporteat ut latroni." This which the law calls a revenge, is but a mere defence, it is a taking the mischief before it be intolerable: and therefore this will be the more out of question: for certainly if some punishments are lawful, all necessary defences are much more; this only excepted, that the degree of this is excessive and uncharitable, and therefore ought not to be done, but in those cases where the evil likely to be suffered by the innocent, is intolerable, as if the plunder be the undoing of a man and his family, and will cause them to perish, or to be extremely miserable; and therefore Ulpian said well, "Furem nocturnum si quis occiderit, ità demum impunè feret, si parcere ei sine periculo suo non poterit;" "Though the law permits a man to kill a night-thief, yet he may not do it if he can secure himself without it:" but when to spare the thief, will be his own undoing, then he may. For it is true which was said of old,

Res omnes conditæ famulantur vitæ humanæ;

And again,

Nobilissimum est quod orbis habet humanâ vitâ.

Nothing is fit to be put in balance to the life of man: and therefore when a man's life and a man's goods are compared abstractly, these are extremely outweighed by that; and therefore, for little and tolerable losses, it were well if the laws would appoint lesser punishments than death. But when it is considered, that a great loss makes a man and all his family live a miserable life, and men willingly venture their lives to save such great portions, the laws that put such thieves to death, are very justifiable. And it is observable that when God in Moses's law appointed a mulct of money upon thieves, it was supposed to be in such robberies, where the thief was able to restore fourfold. Add to this that if our laws did provide that stolen goods should be restored, they would less need to give leave to the true man to kill the thief. But now that he is the more likely to be undone, because no restitution is to be made him, he may, in the case of such great spoilings, be better allowed to be the executioner

[p] Jubet Deus ut manus nostras super minores semper habeamus, hoc est, ut peccantes eos assiduis verberibus corrigamus, ne amore inutili et indulgentiâ nimiâ educentur ad malum, et ad vitia nutriantur.—Lactant. lib. 6. Instit.

[q] Cod. Rubr. Quando Liceat se sine judice vindicare.

of the sentence of the law to prevent his ruin, and to defend his right. But it were much better if he would not at all use this liberty.

9. (4.) But when the evil is past, if the law permits the execution of her sentence to the injured person: it is to be supposed that there is only an indulgence to the grief of him that is wronged; and therefore if he kills the injurious man, he is indemnified in law, but not quitted in conscience. Thus when the civil law[r] of old, and, at this day, the Spanish laws, permit the wronged husband to kill the adulterer, it is lawful; that is, it is not against justice, and therefore the law cannot punish it; but because it is extremely against charity, his confessor ought not to absolve him without repentance and amends; for the gospel does not approve it. The reason is, because if the injury be done, the execution is merely revenge, without the mixture of any good thing to legitimate it. Now if the law does it by her ministers, it is παράδειγμα, "an example," ἵνα ἄλλοι πρόνοιαν ποιῶνται καὶ φοβῶνται, as Demosthenes's expression is, "that others may be afraid, and not be tempted by impunity." But if the man does it by his private hand, there is in it less of observation and exemplarity; or if there were not, yet there were less intended; and therefore the private executing hand is not so innocent: Μὴ ἑαυτοὺς ἐκδικοῦντες, saith the apostle,[s] "We must not avenge ourselves:" this can hardly be reconciled with such executions. There is only this allay in it, that if the wronged husband can, no other way, prevent his dishonour and his wife's sin or continuance in it, if the law permits it to him, it may be supposed to be done for prevention not for revenge; and if it be so, as it is supposed, it hath many degrees of excuse, and some of lawful, but nothing commendable; for nothing can reconcile it to charity, because, as I observed before, there is a soul in the way which ought strangely much to be regarded. Nay, there are two souls: for it was rarely said by Pythagoras, as Jamblichus relates, Πολλῷ μᾶλλον ἀδικεῖσθαι δεῖν, ἢ κτείνειν ἄνθρωπον· ἐν ᾧδου γὰρ κεῖσθαι τὴν κρίσιν, "It is better to suffer the injury than to kill the man: for after death there shall be a judgment;" he that did the wrong, shall be punished; and he that spared him, shall be rewarded.

10. (5.) But if the criminal be of so desperate an impiety that he seems incorrigible, and of a long time hath seemed so, (for that is the best way to prove him so,) then it is lawful for a private hand to be executioner of the public sentence; but he that is injured ought not to do it. Not that it is murder, or directly unlawful in the precise action: but that it can hardly be quitted from revenge; and it will be hard for any man to be so good as not to have just cause to suspect himself, if he be so bad upon the mere permissions of law to thrust his hand into his brother's heart. Other persons may do it out of zeal or love of their country's good. The civil law gives leave "exercendæ publicæ ultionis adversus latrones, desertorcsque militiæ," "of executing the anger of the law against fugitive soldiers, and common robbers:" he that had not been robbed by them, might better do it than he that had: for it being permitted, "pro quiete communi," "for the public peace," he is a good patriot that honestly and justly ministers to that end alone; but he that suffered by them, had need be an angel, if he does not spoil that good end by the mixture of revenge; and if he be an angel, he will find a better employment than to kill a man, where it is not commanded, and where it is not necessary.

11. (6.) Some affirm, that princes are never to be reckoned to be private persons, when they proceed according to the sentence and meaning of the law, though they do proceed "brevi manu," as the style of the laws is, and do not proceed by the methods and solemnities of law by reason of disability to do it. Thus if a man grow too hard for the laws, the prince must send soldiers to him, not serjeants, if the case be notorious and it be a public sentence: and the lord mayor of London did strike Wat Tyler, though he was not convicted in law, nor sentenced by the judges. Upon this account, the king of France offered to defend the killing of the Duke of Guise: concerning which I cannot give accounts, because there might be in it many secrets which I know not. But if there wanted nothing but solemnities of law, and there wanted power to suppress him by open force, and that it was just and necessary that he should die, and by law he was guilty of it, if there was any thing wanting which should have been done, he that died was the cause of it, and therefore to him it was to be imputed. But supposing what these men affirm to be true, (concerning which I shall affirm nothing,) yet this is very rarely to be practised, because it is seldom lawful, if ever it be, and not without the concurrence of very many particulars, and it is very easily abused to extreme evil purposes; as in that intolerable and inhuman massacre of Paris, which all generations of the world shall speak of with horror and the greatest detestation. But concerning the thing itself, that which the lawyers say is this, "Generale edictum, accedente facti evidentiâ, habet vim latæ sententiæ:" "When a law is clear, and the fact is evident, the sentence is already past:" and therefore some of them are apt to say, To do the same thing in a chamber is not murder, if it be justice when it is done upon a scaffold; for the same demerit in the criminal and the same power in the supreme, is an equal cause and warranty of the execution. And since it is cheaper to employ a physician than an army, and there is less prejudice done to the public by such a course, since the state of Venice kills upon suspicion, and there are some things known which cannot be proved, and cannot be suffered, and since we see that solemnities of law, like thin aprons, discover more shame sometimes than they hide, and give more scandal than they remove; these men are more confident than I am; for they dare warrant this course which I dare not. But he that will adventure upon this, must take care that it be done; 1. By a competent authority; 2. Upon a just cause; 3. For a great ne-

[r] L. Gracchus C. ad legem Juliam, de Adulteriis.

[s] Rom. xii. 19.

cessity; 4. According to the intent and meaning of the law; 5. It must be "in summo et mero imperio," by one that is absolute and supreme; 6. It must be upon notoriety of fact; 7. When there is no scruple of law; 8. And if after all this there be no scruple in conscience; 9. Nor yet any other means of securing the public; 10. And the thing have in it as great charity to the public, as there is in it justice to the particular; 11. And that the war be not "justum bellum," that is, between supreme powers; 12. Nor yet any treaty or promise, faith or covenant, to the contrary between the supreme and the inferior offending; 13. Nor yet there be a scandal of greater mischief than can be procured by the unsolemn proceeding; 14. Nor is "refragante judicio procerum, et sententiis juris prudentum," "against the earnest advice of prudent and grave persons,"—which if it happen will arrest the resolution, and give check and consideration to the conscience: then it is supposed by many, that there may be reason enough to forbear what cannot be used, that is, the solemnities of law, which are the methods of peace, nor to be expected in a state or time of war. And by this time it will be so hard to do it justly, that it will be better to let it alone. For after all these cautions and provisos, it is not permitted to assassinate or privately to murder the criminal, but to proceed by open force or by avowed manners of justice, though they be not solemn, and the common ways of peace; that is, they must be owned in public, and asserted by law, either antecedently or "ex post facto." An example of the first way is frequently seen in France; where the fugitives of law are proceeded against in their absence, and executed "in effigie;" and in the states of Italy against the banditti; and of the second way examples have been seen in the manifestos of some princes, when they have been put to such extrajudicial and private ways of animadversion. But these things happen not but in such places where princes are more absolute, and less christian, or that the subject transgresses by power.

12. (7.) Upon the like account it hath, in some ages of christianity itself, but in many ages of gentilism, been permitted that by single duel men prove their innocence and oppress the supposed criminal;

——— puroque pioque duello
Quærendas res censeo ———

said one of the Roman senators to Ancus Martius. Now concerning this I shall not need to say much; because now long since all christian princes and states, and all churches and ecclesiastical persons, have condemned it as a grievous crime, upon these two accounts: 1. Because it is a tempting God by ways which he hath never allowed, it is a lottery that he never gave warrant to: and upon this account it was, that Pope Nicolas I.[t] forbade the emperor Lotharius to try his wife's suspected chastity by the combat of two champions: "Cum hoc et hujusmodi sectantes, Deum solummodo tentare videantur;" and to the same purpose Pope Celestine[u] and some others did forbid it. 2. Because the innocent person is exposed to equal danger with the criminal, and hath been oftentimes oppressed: as it happened in the case of William Catur,[x] an armourer in Fleet-street, who being by his servant John David falsely accused of treason, was yet slain in Smithfield by his perjured adversary: and then the people have accepted the event as a Divine testimony, which in this case being to a lie and to the false part, must needs be infinitely dishonourable to God. But if it were not for these and some other evil appendages, and if the innocent person were sure to prevail, and the law made the private hand the minister of justice, who only can tell the secret, and therefore is the surest judge,—there is no peradventure it might as well be done by that hand as by any other. But this cannot be reduced to practice at all; but in the whole conjunction of affairs is highly criminal and intolerable. In Spain we find that a duel was permitted between two eminent persons, ("los infantes de lara," the Spaniards call them,) only upon the accusation of an injury done to some ladies, the daughters of Rodrigo de Bibar; and the victory was gained by him that was innocent: and another by the men of Zamora in the case of the death of King Sanctus; and quickly they found advocates and defenders. And Vasquez affirms it may as well be permitted by law, as that an injured husband should kill the adulterer. But besides the reasons formerly alleged against such private executions of an uncertain sentence,—because they have no foundation in justice or charity, neither in public or private good, they are deservedly banished from all christian countries.

13. But this is to be understood only of judicial duels, whether criminal or civil; for as for duel extrajudicial and private, it is so unjust, so uncharitable, and so unreasonable, so much against all laws of God and man, so infinitely against the piety of him that survives it, so infinitely against the hopes of him that dies in it, that nothing can excuse it: but even duels which are permitted by laws, ought not to be so, and are not permitted by religion: excepting only when the duel is a "compendium" of war, and is designed to do justice, and to prevent the greater issues of blood.

14. Thus the Romans and Albans determined their wars by the fight of three champions of each side; and the Curiatii being subdued by Horatius Cocles, the city Alba came into subjection to Rome. David and Goliah fought for their respective countries; but the duel did not determine it directly, but only discouraged the conquered party. Upon the same account Clovis the first christian king of France, offered to fight with Alaric prince of the West Goths; "Nobilissimo pari fortunam utriusque gentis decretum iri," said Paulus Æmilius: and Guicciardini[y] tells, that when the French and Italian armies were ready to join battle, the fortune of the day was committed to thirteen champions on each part. Camden[z] reports, that when the Saxons and Danes grew weary of the so great effusion of blood

[t] Caus. 2. qu. 5. cap. 22. Monomachiam.
[u] Decret. tit. de Vulgari Purgat.
[x] Stow's Annals, 25 of Henry.
[y] Lib. 5. Hist. Ital.
[z] In Dobunis.

caused by their daily wars, "misso in compendium bello, utriusque gentis fata Edmundo Anglorum et Canuto Danorum regibus commissa fuerunt, qui singulari certamine de summâ imperii in hâc insulâ depugnârunt." Edmund and Canutus fought in a little island by Gloucester, and drew the war into a "compendium," and saved the lives of their subjects by hazarding their own. William, duke of Normandy, offered this to Harold before the battle in Sussex: and King John of England to Lewis of France, by deputed champions. And Richard II., of England, challenged Charles VI., of France, concerning the title of the French crown. And Pope Martin allowed the duel between Charles of Anjou and Peter of Arragon to determine the question concerning the kingdom of Sicily. These indeed are great examples, and are then only just when the war is just, and on that side only on which it is just. "Hæc est necessitas quæ bellum justificat, (saith Baldus,[a]) cum ad bellum extremo loco confugitur," "When the war is necessary and the case is extreme, the necessity makes it just, when the contrary evil is intolerable:" and when things are come to this pass, then it is true what Bodinus says; "Non interest quo numero adversus hostes decernatur," "It matters not by how few the war be ended." Such a duel is a just war, as all war anciently was called a duel,

Græciæ Barbariæ lento collisa duello.[b]

All Greece and Barbary fought a duel; it is "duarum partium congressus," the contention of two armies as well as two single persons: and that the words are synonyma we find in Varro,[c] Festus,[d] Plautus,[e] and P. Merula:[f] but concerning the thing itself, who please to see more instances and precedents, more arguments and verifications of it, may at his leisure find many particulars in Frisius,[g] Ayala,[h] Bocerus,[i] Alciat,[k] Bodinus,[l] Beuther,[m] and Albericus Gentilis.[n]

I have now described the prohibitions of private executions, together with the cases in which they have been or may be permitted. The next question is upon the latter part of the rule.

Whether it be lawful for a Christian to require of the Magistrate, that his offending Brother may be punished.

15. If the injured person be designed only to punishment, ἐκ ζέσεως περικαρδίου αἵματος, and δι' ὄρεξιν ἀντιλυπήσεως, "out of anger and a desire to be revenged," there is no question but it is infinitely unlawful. "Render not evil for evil," and divers other prohibitive words of our blessed Lord, cannot mean less than the forbidding of revenge, though obtained and desired from the hand of justice; for although the magistrate is bound to do it, if required, yet he that requires for vengeance' sake, is of an unchristian spirit: and this was observed by Dion in Plutarch, Τὸ ἀντιτιμωρεῖσθαι τῷ προαδικεῖν νόμῳ δικαιότερον ὡρίσθαι φύσει γινόμενον ἀπὸ μιᾶς ἀσθενείας, "To receive and require amends from the law is more just than that injury against which justice is required:" but it proceeds from the same weak principle; and therefore it is fit for none but fools and weak persons:

——— quippe minuti
Semper et infirmi est animi exiguique voluptas
Ultio. Continuò sic collige, quod vindictâ
Nemo magis gaudet, quàm femina——— JUVEN.

or rather it becomes not such persons; for nothing can become them but to leave their folly and to grow wiser; for it is "cæcus et irrationalis furor," as Lactantius calls it: "inhumanum verbum est," saith Seneca, it is unreasonable, and "inhuman," and brutish: Οὐκ ἐφηδόμεθα, ὦ δέσποτα, τιμωρίας ἐχθροῦ, δεδιδαγμένοι πρὸς τῶν ἱερῶν νόμων ἀνθρωποπαθεῖν, said the Jews of Alexandria; "We are not delighted in taking revenge against our enemies, because, by the laws of God, we are taught to have compassion on men." And therefore is this much more to be observed in christianity, where we are all members one of another, united to Christ our head; and therefore we should comport ourselves as members of the same body: concerning which Cassiodore says prettily, "Quod si manus unâ casu aliquo fortè lædat alteram, illa quæ læsa est non repercutit, nec se erigit in vindictam;"[o] "If one hand strikes the other, it is not stricken again, neither doth the other think to be revenged;" as knowing it was too much that one was smitten.

16. (2.) It is lawful for a christian to require of the magistrate to punish him that is injurious, if he justly fears a future and intolerable evil; for then it is but a calling to the law for a just defence, without which the magistrate should bear the sword in vain. Clemens Alexandrinus defines τιμωρίαν, or "punishment," (meaning that which is just, and in some cases reasonable to be required,) to be κακοῦ ἀνταπόδοσιν εἰς τὸ τοῦ τιμωροῦντος συμφέρον ἀναφερομένην, "a return of evil," not for the vexing of the injurious, but "for the relief or commodity of the complainer." But if it be that which Aristotle defined it, τοῦ ποιοῦντος ἕνεκα, ἵνα ἀναπληρωθῇ, "for the satisfaction of him that punishes," that is, that he may have the pleasure of revenge, then it is intolerable. And therefore it must be always provided, that this appeal respect the future only, and not that which is past; for that is revenge, and this is caution and defence.

17. (3.) In all repetitions of our rights, which are permitted to christians before christian judges, it is not lawful for christians to take any thing for amends beyond the real loss or diminution of good: for that is a retribution of evil, which, at no hand, is permitted to a christian. The Jews might receive fourfold; christians must be content with simple restitution of their loss and real damages.

18. (4.) Christians must not go to law but upon very great cause; and therefore some of the hea-

[a] Bald. 5. Concil. 493.
[b] Horat. Epist. lib. 1. ep. 2.
[c] De Linguâ Latinâ.
[d] In Verb. Duellum.
[e] Amphitruo.
[f] In Lib. 1. Annal. Enn.
[g] De Rep. lib. 1. cap. 26.
[h] Lib. 1. cap. 3.
[i] Lib. 2. cap. 8.
[k] De Singul. Certam. cap. 3.
[l] De Rep. cap. 4. lib. 7.
[m] Conclus. 76.
[n] De Jure Belli, lib. 1. cap. 3.
[o] De Amicitiâ.

thens, Musonius, Maximus Tyrius, and others, would not allow ὕβρεως δίκην, "any amends at all for reproachful or disgraceful words." And the christians, who neither were nor ought to be behind them, desired not their calumniators to be punished. So Justin Martyr; "We will not those to be punished, who do calumniate us; their own perverseness and ignorance of good things is enough already of calamity:" Μηδὲ μικρὸν ἀμείβεσθαι μηδένα βουλόμενοι, ὡς ὁ καινὸς νομοθέτης ἐκέλευσε, "A christian is commanded by Christ our new Lawgiver not to be revenged, no, not a little."—"Abstinere à litibus etiam plusquam licet," said Cicero; "We must abstain from suits of law, even far beyond our convenience." And, in the primitive church, they took all honest things for commandments, and therefore did not think it lawful at all to go to law; Οὐ δικάζονται τοῖς ἁρπάζουσι, saith Justin Martyr of them, "They do not go to law with them that rob them." But that it is lawful,[p] the public necessities are a sufficient argument; and yet men for want of charity make more necessities than needs: for if charity be preserved according to its worthiest measures, there would be no suits of law, but what are not to be avoided; that is, there would be none for revenge, but some for remedy and relief. And this was that which Musonius[q] said; Ἀνελεύθερον καὶ πάνυ φιλόδικον κακηγορίας δικάζεσθαι, "It is not ingenuous to be running to law upon every provocation, though by real injury:"—Μήτε ἄρχειν λοιδορίαν, μήτε ἀμύνεσθαι τοὺς λοιδοροῦντας, said Pythagoras, "A wise man will neither revile his neighbour, nor sue him that does."—"For good men" (said Metellus Numidicus) "will sooner take an injury than return one:"—and if we read the sermon of Maximus Tyrius,[r] περὶ τοῦ, εἰ τὸν ἀδικήσαντα ἀντιδικητέον; "Whether it may be permitted to a good man to return evil to the injurious?" it will soon put us either to shame, or at least to consider whether there be no command in our religion, of suffering injuries, of patience, of longanimity, of forgiveness, of doing good for evil; and whether there be not rewards great enough to make amends for all our losses, and to reward all our charity; and whether the things of this world cannot possibly be despised by a christian; and whether peace and forgiveness do not make us more like to God and to the holy Jesus. Certainly if a christian be reproached, railed at, spoiled, beaten, mutilated, or in danger of death, if he bears it patiently and charitably, he may better say it than Achilles did in Homer:

——— φρονέω δὲ τετιμῆσθαι Διὸς αἴσῃ,

"I hope for this charity to be rewarded by God himself." If a man have relations, and necessities, and obligations, by other collateral duties, he must, in some cases,—and, in many more he may,—defend his goods by the protection of laws, and his life and limbs; but in no case may he go to law to vex his neighbour; and because all lawsuits are vexatious, he may not go to law, unless to drive away an injury that is intolerable, and that is much greater than that which is brought upon the other.

19. (5.) When a christian does appeal to christian judges for caution, or for repetition of his right, he must do it without arts of vexation, but with the least trouble he can; being unwilling his neighbour should suffer any evil for what he hath done. "Omnia priùs tentanda quam bello experiendum:" "He must try all ways before he go to this;" and when he is in this, he must do it with as little collateral trouble to his adversary at law as he can. To this belongs that of Ulpian; "Non improbat prætor factum ejus, qui tanti habuit re carere, ne propter eam sæpiùs litigaret. Hæc enim verecunda cogitatio ejus, qui lites execratur, non est vituperanda." A man must be modest and charitable in his necessary suits at law: not too ready, not too greedy, not passionate, not revengeful; seeking to repair himself when he must needs, but not delighting in the breaches made upon his neighbour.

20. In order to this, it would prevent many evils, and determine many cases of conscience, or make them easy and few, if evil and rapacious advocates,—that make a trade, not to minister to justice, but to heap up riches for themselves,—were not permitted in commonwealths to plead in behalf of vicious persons and manifest oppressors, and in causes notoriously unjust. Galeazzo Sforza, duke of Milan,—being told of a witty lawyer that was of evil employment, a patron of any thing for money, employing his wit to very evil purposes,—sent for him, and told him that he owed his painter a hundred crowns, and was not willing to pay him; and therefore asked him if he would defend his cause in case the painter should require his money at law. The advocate promised him largely, and would warrant his cause; which when the duke heard from his own mouth, he caused him to be hanged. The action was severe, but strangely exemplary. I have nothing to do with it, because I am not writing politics, but cases and rules of conscience: but I have mentioned it as a great reproof of all that which makes causes and suits of law to be numerous; which is a great sign of corruption of manners, if not of laws, in any place; but amongst christians, it is a very great state of evil. And therefore Charles IX. of France made an edict, that whosoever began a suit at law, should pay into the finances two crowns; which if his cause were just, he should lose; if it were unjust, the law would sufficiently punish him besides: but even upon a just cause to go to law, is not the commendation of christian justice, much less of charity: Οὐκ εἶεν ἂν ποτε πολῖται φίλοι, ὅπου πολλαὶ μὲν δίκαι ἐν ἀλλήλοις εἶεν, ἀλλ' ὅπου ὡς ὅτι σμικρότατα καὶ ὀλίγιστα, "Then charity is best preserved amongst citizens, not when there are most decisions of causes, but when the suits are fewest."

RULE VII.

It is not lawful to punish one for the Offence of another; merely, and wholly.

1. "Quod tute intristi, tibi comedendum est," said the comedy; "As you knead, so you must eat;"

[p] Vide Great Exemp. part 2. [q] Apud Lysiam. [r] Ser. 2.

and he that eats sour grapes, his teeth only shall be set on edge. This is the voice of nature, of God, of right reason, and all the laws and all the sentences of all the wise men in the world; and needs no further argument to prove it. But there are in it some cases which need explication. 1. Concerning persons conjunct by contract; 2. In persons conjunct by nature; 3. In them which are conjunct by the society of crime. For in all these one is punished for the fault of another; but how far this can be just and lawful, are useful inquiries in order to the conduct of conscience.

2. The first inquiry is concerning persons conjunct in contract; such as are pledges in war, sureties for debt, undertakers for appearance, and the like. Concerning pledges in war, it hath been sometimes practised in warlike nations, to put them to death when their parties have broken their promise. The Thessalians killed two hundred and fifty; the Romans, three hundred of the Volsci; and this they might do by the law of nations: that is, without infamy and reproach, or any supposed injustice; they did practise it on either side. But the thing itself is not lawful by the law of God and nature, unless the pledges be equally guilty of the crime. When Regulus was sent to Rome to get an exchange of prisoners, and himself, upon his promise, was engaged to release them, or to return himself: when he persuaded the Romans not to release the African prisoners, the Carthaginians had reason to account him guilty as his country. But when the pledges are not, it is against the law of nature to put to death the innocent. For either the pledges are violently sent in caution against their wills, or with them. If against, then the wrong is apparent, and the injustice notorious. If with their will, it is to be considered, it is beyond their power; for "nemo membrorum suorum dominus videtur," saith the law;[s] and therefore it is, that in criminal causes, where corporal punishment is inflicted, no man is permitted to be surety for another, but in civil causes he may; because no surety may lawfully be put to death for the principal, as is noted by the gloss:[t] the reason is plain; he that is surety for another, can engage nothing of which he is not the lord, and over which he hath no power; and therefore he cannot lay his body, his life, or limb, at stake. No man hath power to engage his soul for the soul of another, that is, so as to pay his soul in case of forfeiture to acquit another; for it is not his, it is another's; it is his who hath purchased it and is lord over it, that is Christ: and so is our body redeemed by the blood of Christ, "for ye are bought with a price; therefore glorify God in your body and in your spirit, which are God's," saith the apostle.[u] Now this is so to be understood, not that one man may not feel the calamity which the sin of another can bring upon him; but that the law cannot inflict corporal punishment upon any relative, so as the criminal shall escape, and the law be satisfied, as if the offending person had suffered. If a father be a traitor, the law may justly put him to death, though the wife will die with sorrow: but the law cannot put the wife to death, or the son, and let the husband go free. One relative may accidentally come into the society of another's punishment, not only if they be partners of the crime, but though one be innocent: but one cannot pay it for the other and acquit him. This, I say, is to be understood in corporal punishments.

3. But in pecuniary punishments, the case is otherwise. For a man is lord of his money, and may give it away, and therefore may oblige it; and he that is surety for another's debt, gives or lends it to him that is principally obliged; and therefore it is just to take it, and the surety hath power to do it. But by the way it is observable, that the surety can only oblige his money, or himself to the payment of his money; but when the creditors had power to torment the insolvent debtors, no man could give himself a surety directly for that torment; but by making himself a debtor, he did by consequence make himself criminal if he did not pay, and so might with as much justice be tormented as the principal debtor.

4. But the whole business is unreasonable as to this instance, and therefore the inquiry is soon at an end, and the case of conscience wholly different; for in this particular it is not only unlawful to punish the surety with corporal punishment, but even the principal that is insolvent is to be let alone. If he fall into poverty by his prodigality, the law may punish that as she please; or if he intends to defraud the creditor, he may be punished, or constrained to pay: but if he fall into poverty ἐκ τοῦ συμβεβηκότος καὶ οὐ ῥᾳθυμίᾳ, as Justinian's expression is, "by unavoidable accident, not by impious courses," it is against justice and charity to put him to trouble.

5. Concerning which, though it be not pertinent to this rule, but here only very well occasioned, I shall give this short account, that at once I may be wholly quit of this particular. In the laws of the Twelve Tables, it was permitted to creditors to imprison, to torment, to put their insolvent debtors to death; and if there were many of them, they might cut the body in pieces, and every man go away with his share. "Nihil profecto immitius," says A. Gellius;[x] "nisi, ut reipsâ apparet, eo concilio tanta immanitas pœnæ denunciata est, ne ad eam unquam perveniretur." It was an intolerable and cruel justice, and only therefore published in so great a terror, that it might never be put in execution; and indeed, as he observes, it was never practised.

6. But "addici nunc et vinciri multos videmus," saith he; that was the next cruelty: the debtors were sold and all their goods; even kings, subject to the Roman empire, were, with their crowns and purple, their sceptre and royal ensigns, published by the crier, and made slaves to pay their debts. The king of Cyprus was so used, as Cicero, in his oration "pro Sextio," sadly complains. The divid-

[s] L. liber. ff. ad legem Aquiliam.
[t] In cap. Cum. Homo. 23. q. 5.
[u] 1 Cor. vi. 20.
[x] Lib. 20. cap. 1.

ing the body of the debtor was changed into the dividing of his goods; but this also was hateful and complained of by wise and good men: "Si funus id habendum sit, quò non amici conveniunt ad exequias cohonestandas, sed honorum emptores, ut carnifices, ad reliquias vitæ lacerandas et distrahendas," said Cicero:[y] and Manlius most worthily, seeing a Roman led to prison like a slave, for debt, cried out,[z] "Tum verò ego nequidquam hâc dextrâ Capitolium arcemque servaverim, si civem commilitonemque meum, tanquam Gallis victoribus captum, in servitutem ac vincula duci videam:" "To what purpose did I save the Capitol, if a citizen and my fellow-soldier shall for debt be made a slave, as if he were taken prisoner by the Gauls?"—and therefore he paid the debt and dismissed the prisoner.

7. But because this was cruel and inhuman, when Petilius and Papirius were consuls, a law was made that all the goods and possessions of the debtors should be obnoxious to the creditors, but not his body; but yet so that the debtors did work for their creditors, but not in chains: and this lasted till the "lex Julia" decreed, in Augustus's time, that the insolvent debtors might quit all their goods, but neither suffer chains, nor slavery, nor do labour for their creditors; but the benefit of this law[a] extended not to prodigal and vain persons, but to those only "qui vi majore aliquâ fortunis evertebantur," (that was their word,) "who were undone by any great violence," by shipwreck, or fire, or any accident unavoidable. For as for others, they were delivered to the capital triumvirate and punished "ad columnam Meniam," that is, whipped extremely: and this continued under the time of Gratian the emperor, who decreed[b] that such debtors who were not "eversi per vim majorem," should not receive any benefit by quitting all their goods; but if they were less than their debt, "ad redditionem debitæ quantitatis congruâ atque dignissimâ suppliciorum acerbitate cogantur," "they should be compelled by torment to pay a due proportion:"[c] —and in this there might be severity; but it had in it very much of justice. But for the other part of it, of the entire cession of goods, and that the insolvent, miserable debtor, should be exposed to starving, this had neither charity in it nor justice; and therefore after much complaining, and attempts of ease, it was wholly taken away[d] by the emperors, Constantine, Gratian, and Justinian, Novel. 135: Ποῦ γὰρ δίκαιον τὸν ἄπαξ ἐκ τοῦ συμβεβηκότος καὶ οὐ ῥᾳθυμίᾳ παραδιδομένῃ ἐκτὸς τῶν αὐτοῦ γεγονότα, αὖθις ἀσχήμονα τὸν βίον ἑαυτῷ παρατιθέναι, καὶ τῆς ἐφημέρου τροφῆς, ὡς εἰκὸς, τῆς τε τοῦ σώματος σκήπης ἔξω βιαίως καταστῆναι. "It is infinitely unjust that he who is fallen into poverty, without his fault, should be constrained to live a shameful life, without his daily bread, and the necessary provisions for his back:"—and then it was ordered that if the debtor did "ejurare bonam copiam," that is, "swear that he had not goods sufficient to pay the debt," he should be free.

8. This was made into a law long before the time of Gratian; when Sylla was dictator, Popilius demanded, and it was decreed. But tyrants usually make good laws, and after they are dead, are so hated, that even their good laws are sometimes the less regarded: and so it happened in this particular; insomuch that Cicero[e] spake against L. Flaccus for desiring to have Sylla's laws confirmed. But it soon expired through the power of the rich usurers, as we find by the complaint of C. Manlius in Sallust;[f] and even so long as the "lex Popilia" did prevail, yet they had arts to elude it: for though they could not bind the debtors in public prisons, yet they would detain them in their own houses; and though it was a great and an illegal violence, yet the poor man's case is last of all heard, and commonly the advocates and judges have something else to do.

9. This is a perfect narrative of this affair; in all which it is apparent, that wise and good men did infinitely condemn the cruel and unjust usage of insolvent debtors, who were "per vim majorem eversi," not poor by vice, but misfortune and the Divine Providence. The violence and the injury are against natural justice and humanity, or that natural pity which God hath placed in the bowels of mankind; as appears by the endeavours of the wiser Romans to correct the cruelty of creditors. But the debtors, though by degrees eased, yet were not righted till christianity made the laws, and new justice and mercy done. St. Ambrose[g] complained most bitterly of the creditors in his time; "Vidi ego pauperem duci, dum cogeretur solvere quod non habebat; trahi ad carcerem quia vinum deesset ad mensam potentis; deducere in auctionem filios suos, ut ad tempus pœnam differre possit: inventum fortè aliquem qui in illâ necessitate subveniret," &c. "I have seen a poor man compelled to pay what he had not to pay, and dragged to prison because his creditor had not wine enough to drink; and to defer his punishment awhile, forced to sell his sons at an outcry."—"Grandis culpa est, (saith he,[h]) si te sciente fidelis egeat, si scias eum sine sumptu esse, fame laborare et non adjuves; si sit in carcere, et pœnis et suppliciis, propter debitum aliquod, justus excrucietur:" "It is a great fault, if when you know it, you suffer a faithful man to want meat and provisions; if a just or good man be in prison, and in chains or torments for debt." Now if persons not interested in the debt, might not suffer such a thing to be and abide, much less might any man do such a thing. If every man that could, was bound to take off the evil, it is certain it was infinitely unlawful to inflict or to lay it on: and therefore the remains of this barbarity and inhumanity amongst us, do so little argue christianity to be amongst us, that it plainly proves, that our religion hath not prevailed so far upon us to take off our inhumanity.

10. Of the same nature is that barbarous custom of arresting dead bodies, and denying them the natural rights of burial till a debt be paid. Asce-

[y] Oratione pro Quintio.
[z] Liv. lib. 6.
[a] Lib. 1. Cod. Theod.
[b] Vide Rævardum ad Ll. 22. Tabul. cap. 8.
[c] Lib. 1. Cod. Theod. qui bon. ex leg. Jul. ced. et l. si rustum ff. de re Judic.
[d] Lib. 2. cap. de Exact. Tribut. lib. 10.
[e] In Rullum
[f] In Catilin.
[g] Lib. de Nabuth. cap. 5.
[h] Offic. lib. 1.

linus Fitz Arthur arrested the body of William duke of Normandy, conqueror of England, upon something a like account. But St. Ambrose[i] blames such unnatural cruelty, and derides the folly of it; "Quoties vidi a fœneratoribus teneri defunctos pro pignore, et negari tumulum dum fœnus exposcitur? Quibus ego acquiescens dixi, Tenete reum vestrum, et ne possit elabi, domum ducite; claudite in cubiculo isto, carnificibus duriores: quoniam quem vos tenetis, carcer non suscipit, exactor absolvit;" "To them who seized on dead bodies for their debt, I called out, Hold fast your debtor, carry him home lest he run away, O ye that are more cruel than hangmen."—But of this sufficient; for whatsoever is against the law of nature, to have named it is to have reproved it. Only there is one case, in which if dead bodies be arrested for debt, I cannot so much complain of it; and that is in the customs of France, where they never imprison any alive for debt, unless he be expressly condemned to it by the sentence of the judge, or contracted upon those terms with the creditor: but when the man is dead, they lay their claim, because they cannot hurt the man. This I find in Gasper Beatius, who cites these verses for it out of Johannes Girardus, no ill poet, but a good lawyer;

Heus principes, duodecim
Tabulæ, inopem crudeliter
Quæ debitorem dissecant,
Aut jura, mores publici,
Quæ carceribus illum miserè
Et opprimunt et enecant,
Nimis mihi, nimis displicent.
Qui Gallum habuit mos, bonus
Idem et verus prohabitur
Nimis mihi cuique et bono,
Quo creditores debita
Petant sibi post funera.

But I suppose he might speak this in jest, to represent the lenity of Frenchmen in not casting their debtors into prison. But if a debtor should, as Argyropilus, jesting at his death, make his rich friends the heirs of all his debts, it would spoil the jest.

Now I return to the other inquiries of the rule.

11. The second inquiry is concerning persons conjunct by nature; whether, for example's sake, sons or nephews can be punished for the faults and offences of their fathers and grandfathers. Concerning this, I find Paulus the lawyer and Baldus speaking exact antinomies. For Baldus[k] affirms, "Hæredem teneri ad pœnam, ad quam defunctus fuerat condemnatus," "The heir of his father inherits his father's punishment:" but Paulus[l] says expressly, "Hæredem non teneri ad pœnam defuncti," "The heir is not bound to suffer the punishment of the dead." But they are both in the right: for the heir is not tied to suffer the corporal punishment, to which his father was condemned, because his father had no dominion over his son's body or his own; but over his goods he hath, and therefore can transmit these with their proper burden: and therefore the heir is liable to pay the fine, to which his father was sentenced, and to pay his father's debts, and is liable to the same compulsion, with this only caution, that if the father be under torment or imprisonment for insolvency, the son be no way obliged to that; because whether the insolvency of the father be by his fault or misfortune, still the son is not obliged: for as he is not bound by his father's personal fault to suffer personal punishment, so neither, for his misfortune, can he be obliged beyond the suffering of a descending poverty. If his father was insolvent by his crime, the punishment was to go no further than the fault, and therefore no torment was entailed: but if he were insolvent by misfortune, neither the father nor the son for that could deserve any further evil: and if the father transmitted no goods, no advantage, to the son, there is no reason he should transmit a burden: "Nemo fiat deterior per quem melior factus non est," says the law. And therefore St. Ambrose[m] complained of a sad sight he saw; "Vidi ego miserabile spectaculum, liberos pro paterno debito in auctionem deduci, et teneri calamitatis hæredes, qui non essent participes successionis, et hoc tam immane flagitium non erubescere creditorem;" "I have seen sons sold slaves for their father's debt, from whom they were never like to receive an inheritance;" and which is yet more strange, "the creditors were not ashamed of the impious cruelty."—But this is a ruled case both in divinity and law. "Nunquam unus pro alio potest pœnâ corporis puniri," said Alexander of Hales,[n] and Thomas Aquinas;[o] "No man can suffer corporal punishment in the place of another:" the same with that in the law.[p] And therefore of all things in the world, conjunction of nature, which should be a means of endearment, and the most profitable communications, ought not to be an instrument of the communication of evil; "Unius factum alteri, qui nihil fecit, non nocet;"[q] and again:[r] "Peccata suos teneant auctores, nec ulterius progrediatur metus, quam reperiatur delictum." But it is expressly instanced in this matter of succession; "Unusquisque ex suo admisso pœnæ subjiciatur, nec alieni criminis successor teneatur," "The son may succeed in his father's burdens and misfortunes, but not in his crimes or corporal punishments."[s]

12. And this is the measure of the third inquiry. For they who are conjunct in crime, are equally obnoxious to punishment: and therefore if one be punished for the fault of another, it is just to him that is punished; and mercy to them that are spared. For when all are criminal, all are liable to punishment, and sometimes all do suffer. So did the Campanian legion[t] that rebelled at Rhegium, and possessed the town for ten years; they suffered every man; four thousand heads paid for it. So did the ninth legion under Julius, and the tenth legion under Augustus, every man was punished.[u] For the rule of the law[x] is, "Quod à pluribus pro indiviso

[i] Lib. de Tobia, cap. 10.
[k] In l. id quod Pauperibus, qu. 9. C. de Episcopis Clericis.
[l] In l. si Pœna, ff. de Pœnis.
[m] Lib. de Tobia. cap. 8.
[n] 3. p. q. 41. in 4. a. 4. corollar. 3.
[o] In 2. 2æ. q. 180. a. 4. ad 2.
[p] L. Crimen ff. de Pœnis.
[q] L. de Pupillo, 5. sect. Si Plurium. ff. Nov. op. nunt.
[r] L. Sancimus, 22. cap. de Pœnis.
[s] L. Crimen. ff. eod.
[t] Livius, l. 38.
[u] Sueton. in Julio. cap. 69. in August. cap. 24.
[x] L. semper, sect. 2. ff. Quod vi aut cl. et l. item Mela, sect. 2. ff. ad legem Aquiliam.

commissum est, singulos in solidum obligat:" "When every man consents to the whole crime, every man is wholly criminal."—If ten thieves carry away a load of iron, every man is tied to the punishment of the whole. But sometimes only the principals are punished. Thus at Capua[y] seventy princes of the senate were put to death for rebelling against the Romans, and three hundred of the nobility were imprisoned, and two hundred and twenty-five of the Sorani. And this way is often taken by princes, and wise generals, and republics, "ut unde culpa orta esset, ibi pœna consisteret." And C. Decimus[z] was heard with great applause, when in the case of the Rhodians, he affirmed, that the fault was not in the people, but in their principals and incendiaries; meaning, it was not so in the people as in their leaders. And in tumults it often happens as it did at Ephesus, when St. Paul had almost been torn in pieces with the people: "the greater part knew not why they were come together;" but all were in the tumult; and in such cases it is justice that one be punished for many, a few for all: and therefore St. Ambrose did highly reprove Theodosius the emperor for killing seven thousand of the Thessalonians for a tumultuary rescuing a criminal from the hand of the magistrate, and killing the governor and some great officers in the sedition. Sometimes the criminals were decimated by lot, as appears by Polybius,[a] Tacitus,[b] Plutarch,[c] Appian,[d] Dio,[e] Julius Capitolinus,[f] who also mentions a centesimation. And the reason of this equity Cicero well discourses in his oration, "pro Cluentio," "ut metus ad omnes, pœna ad paucos perveniret;" "that some may be punished, and all may be made to fear: for the soldiers being made to fear the bigger fear of their general, would never fear the less fear of the enemy," who does not strike so surely as the executioner; and therefore they might afterwards become good men and good citizens. But because in public offences the cases may be different, they are by this measure reduced to reason.

13. If the tumult of war be by the command of magistrates, the people are to be affrighted, or admonished, but the commanders only are to be punished, "Ne alieni admissi pœnam luant, quos nulla contingit culpa."[g] For the people are soon commanded by him that stands next above them. And therefore since to obey is like a duty, it is not easily to be reckoned to a real crime, and the greatest punishment.

14. But if the fault be done by the people without authority or excuse, but just as fire burns a house by chance, or water breaks a dam by its mere weight, then it is to be considered whether the criminals be many or few; if few, they may all be punished without breach of equity, upon the account of the rule of the law,[h] "Quæ pœna delictis imposita est, si plures deliquerint, à singulis in solidum debetur." But if many were in the crime, then the rule of equity and the gentleness of the law[i] are to take place, "Ut pœnæ interpretatione potius molliantur, quam exasperentur;" "a few should be punished for all the rest," "ut supersint quos peccâsse pœniteat." For it is of great avail for the public interest, that as some be cut off, so some should remain alive, that they may repent. And in this sense is that of "Lucan,"

—— quicquid multis peccatur, inultum est.

Besides that it is evil to the commonwealth to lose so many subjects; it is also sometimes dangerous;

——sed illos
Defendit numerus junctæque umbone phalanges. Juv.

The determination of these two particulars I learn from Cicero in his oration "pro Flacco:" "Vobis autem est confitendum: si consiliis principum vestræ civitates reguntur, non multitudinis temeritate optimatum consilio bellum ab istis civitatibus cum populo Romano esse susceptum:" "If the nobles govern your cities, then the nobles made the war, and the people are innocent;" "sin ille tum motus est temeritate imperitorum excitatus, patimini, me delicta vulgi à publicâ causâ separare;" "but if the rabble did the fault, the city is not to be punished; it is not a public offence;" "Multitudo peccavit, sed non universitas." For a rabble does not make a city, a people, or a republic; for to make this, it must be "cœtus qui jure aliquo continetur,"[k] a multitude under government, and a legal head.

15. But if both the magistrates and the people be in the offence, "culpa est penes paucos concitores vulgi," said C. Decimus; it is better that the ringleaders and the boutefeus should lie at stake, and feel the severity, while the others are instructed and preserved by the gentleness of laws and princes.

There are some other questions and cases of conscience concerning penal laws; but they can with more propriety be handled under other titles, and therefore I shall refer them to their several places. But for the likeness of the matter, I have here subjoined some rules concerning the measures and obligations of conscience in the matter and laws of tribute.

OF LAWS OF TRIBUTE.

RULE VIII.

The Laws of Tribute are moral Laws, and not penal, except it be by Accident; and therefore do oblige the Conscience to an active Obedience.

1. HIM to whom we pay tribute, we owe obedience to. It is St. Paul's[l] argument to prove that we ought to obey the powers that are set over us, because to them we pay tribute; which tribute is not introduced by tyranny, but is part of that eco-

[y] Livius, lib. 36. [z] Lib. 45. [a] Lib. Hist. 6.
[b] Lib. 14. et 17. [c] In Crasso. [d] Civil. 2.
[e] Lib. 48. [f] In Opilio Macrone.
[g] L. ult. ff. de Bon. Damnat.

[h] L. item Mela, ff. ad leg. Aquil.
[i] Leg. Pœn. ff. de Pœnis.
[k] L. Mentum. sect. Animadvertendum. ff. quod. met. caus.
[l] Rom. xiii.

nomy by which God governs the world, by his deputies and lieutenants, the kings and princes of the earth. "Nec quies gentium sine armis, nec arma sine stipendiis, nec stipendia sine tributis haberi queunt," said Tacitus; "No peace without laws; no laws without a coercitive power; no power without guards and soldiers;[m] no guards without pay:" and that the soldiery may be paid, and the laws reverenced, and the power feared, and every man's right be secured, it is necessary that there be tribute. "Ut sit ornamentum pacis, subsidium belli et nervus reip. tributum est pecunia populo imperata, quæ tributim à singulis proportione census exigebatur," said Varro. But besides this, the very paying tribute is the sign and publication of our subjection. It is a giving him that which is his own: for he that coins the money, hath the power of the law, and this from the custom of the world for many ages. The Persians first imprinted the figure of their prince upon their money, after them the Greeks: hence were those names of coin, the darics and philippics; for the money having the impress and figure of the prince, the name and the value from the prince, is a seisure and solemn investiture in the government of that people; and our blessed Lord was pleased from hence to argue, that therefore they ought to pay tribute to Cæsar; because what way soever he came first to it, Christ does not there dispute, but he was over them, and he protected them in peace, righted their causes, relieved their oppressions, stamped their money, gave value to that and protection to them, and therefore they were bound to pay their tribute. It was "res Cæsaris," as he was pleased to call it, "the things of Cæsar;" it was due to him for the public ministry of justice: and this is also urged by St. Paul; "for they are God's ministers, watching for this very thing," that is, for your good; and therefore are to be maintained according to the dignity of that ministration.

2. Now as we owe tribute to whom we owe obedience, so we owe obedience to whom we owe tribute: that is, if he have authority to exact tribute, we are bound in conscience to pay it. It is a law as much obliging the conscience as any other. Numus or Nummus from Numa, say the Roman critics; because King Numa first stamped money among them. But I suppose it is from a Greek fountain, Numus and Numisma from *νόμισμα*, and that, says Aristotle,[n] is *ἀπὸ τοῦ νόμου*, "from the law:" for he that stamps money, gives the law; and amongst others, and for the defence of all laws, this law of paying money to him by way of tribute, is obligatory.

3. And the case does not differ by what name soever it be imposed: "vectigal," "tributum," "census," *τέλος*, *φόρος*, were the words amongst the Greeks and Latins, and did signify portions of money paid from lands, from merchandise, for heads, "excisum quid," "something that is cut off" from the whole, for the preservation of the rest; that is, excise-money: but whatever the words be, St. Paul reckons them all to be *τὰς ὀφειλὰς*, "due debt:" and therefore *ἀπόδοτε* saith our blessed Lord;[o] *Ἀπόδοτε*, saith St. Paul, "Restore or pay it;" it is a debt due by the ordinance of God. It is all but tribute; even the census, or poll-money, is tribute: so it is called by Ulpian,[p] "tributum capitis;" "the tribute of the head." The same use of the word I have observed out of Ammianus and Tertullian. This I the rather note, that I might represent the obligation to be all one by the law of God, though the imposition be odious, and of ill name amongst the people, according to that saying of Tertullian;[q] "Si agri tributo onusti viliores hominum capita stipendio censa ignobiliora;" "Fields under contribution are cheaper, and men under a tax are more ignoble."—"Angaria" is another sort of tribute; an imposition of work and upon the labours of the subject. It is indeed the worst and the most vexatious; but it is "species tributi," "a kind of tribute," and due by the laws of religion, where it is due by the laws of the nation: and therefore those persons are very regardless of their eternal interest, who think it lawful prize whatever they can take from the custom-house; whereas the paying of tribute is an instance of that obedience which is due to them that are set over us, "not only for wrath, but also for conscience' sake;" and St. Paul never uses the word "conscience," but when it is the concern of a soul. It is St. Ambrose's[r] observation, who also uses this argument, "Magnum quidem est et spirituale documentum, quo christiani viri sublimioribus potestatibus docentur esse subjecti, ne quis constitutionem terreni regis putet esse solvendum? Si enim censum Dei Filius solvit, quis tu tantus es qui non putes esse solvendum?" "It is a great and a spiritual doctrine, that christians be subject to the higher powers. For if Christ paid tribute, what art thou, how great, how mighty, that thou thinkest thou art not obliged?"

RULE IX.

The Laws of Tribute have the same Conditions, Causes, Powers, and Measures, with other Laws of Government.

1. THIS rule requires, that[s] the authority be supreme,—that the cause be just,—that the end be public,—that the good be general,—that the people receive advantage. Which is to be understood of tribute, which is not penal, nor compensatory. For sometimes tributes are imposed upon a conquered

[m] Ad hoc tributa præstamus, ut propter necessaria militi stipendium præbeatur, S. Aug. lib. 22. cap. 74.—Cap. Faust. Manich.—Cicero pro lege Manilia.
[n] Lib. 5. Ethic. cap. 8.
[o] Matt. xxii. 21. Rom. xiii. 7.
[p] L. 3. ff. de Censibus.
[q] In Apolog.
[r] In l. Reg. 14. 11. q. 1. cap. 28.
[s] Vectigalia, sine imperatorum præcepto, neque præsidi, neque curatori, neque curiæ constituere, nec præcedentiæ reformare, et his vel addere, vel diminuere licet: ff. de Publican. lib. 10.—Vectigalia novo nec decreto civitatum institui possunt, Sever. C. Vectigal. Nov. Instit. non poss. lib. 2.—et Gallien. l. seq. ait, Non solent nova vectigalia inconsultis principibus institui.—Placet nullum omnino judicem de cætero provincialibus inferendum aliquid indicere, ut ea tantum sedulo cunctorum studio pensitentur, quæ canonis instituti forma complectitur, vel nostra clementia decernit inferenda, vel delegatione solemniter sanciente, vel epistolis præcedentibus: Constantin. lib. 8. cap. de Excusat. mun. lib. 10.

people [t] as fetters upon a fugitive, to load him that he run away no more; or to make amends for the charges of war. If they were in fault, they must bear the punishment; if they did the evil, they must suffer the evil; that, at the charge of the conquered, themselves also shall enjoy peace. So Petilius said to the Gauls;[u] "Nos quamquam toties lacessiti, jure victoriæ id solum vobis addidimus, quo pacem tueremur," "You have provoked us, and we have conquered you; and yet have only imposed the punishment of so much tribute on you, that at your charge we will keep the peace." So concerning the Greeks [x] Cicero affirms, that they ought to pay some part of their fruits, that at their own expenses, they be restrained from undoing themselves by civil wars.

2. But then this is at the mercy and good will of the conqueror; for the tribute he imposes upon them as punishment, he is so the Lord of it, that however he dispose of it, it must be truly paid. And the same is the case of a tribute, imposed by way of fine upon a city or society [y]: the supreme power is not bound to dispense that in public uses; and if he does not, yet the subject is not at liberty in his conscience, whether he will pay it or no. For in this case, it is not a law of manners but of empire; and is a private perquisite of the prince, as the prince himself can be a private person; which because it cannot be in any full sense or acceptation of a law, but in nature only, so neither can the tribute be of so private emolument, but it will at least indirectly do advantage to the public.

3. In other tributes, such which are legal, public, and universal, the tribute must be proportioned to the necessity and cause of it; it must be employed in that end to which it was imposed and paid,—for that is a part of commutative justice; it must be equally laid,—that is, as far as it can be prudently done, supposing the unavoidable errors in public affairs in which so many particulars are to be considered,—for this is a part of distributive justice: and where there is a defailance in these, I mean, a constant and notorious, there the conscience is disobliged, as far as the excess and injustice reach,—just as it is from the obedience to other laws that are unjust; of which I have given account in the third rule of the first chapter of this book. But this, I say, is true in such tributes, as are of public and common use. For those which are for the expenses and personal use of the prince, if he spends them well or ill, the subject is not concerned; but only that he pay it according to the law and custom. In these, the supreme power is a supreme lord; in the other, he is but a supreme steward and dispenser.

4. As the laws of tribute have their original and their obligation, so they have their dissolution as other laws have, with this only difference, that the laws of tribute, when the reason ceases, if they be continued by custom, are still obliging to the subject, it being reason enough that the supreme power hath an advantage by it, which cannot be so personal but that it will, like the brightness of the sun, reflect light and heat upon the subject.

5. Lastly, In the levying and imposing tribute, by the voice of most men, those things usually are excepted, which are spent in our personal necessities. Whatsoever is for negociation, may pay, but not what is to be eaten and drunk. This tribute nevertheless is paid in Spain; for it is that which they call "alcavala;" and in Portugal, where it is called "sisa." I suppose it is the same with the "excise" in England and the Low Countries; and yet it is much spoken against for these reasons, 1. Because it is too great an indication or likeness to slavery, and an uningenuous subjection, to pay tribute for our meat and drink and the necessaries of life: it is every day a compounding for our life, as if we were condemned persons, and were to live at a price, or die with hunger, unless by our money we buy our reprieve. 2. The other reason of the complaint made against this is, because by this means the poor, and he that hath the greatest charge of children, and he that is the most hospitable to strangers and to the poor, shall pay the most, who yet, of all men, ought most to be eased. And upon these or the like reasons, the civil law imposed gabels only upon merchandises for trade, and gain, and pleasure. And of this opinion are generally all the canonists, and most of the civilians, and very many divines: but when scholars come to dispute the interest of princes and the measures of their gain or necessities, they speak some things prettily, but to no great purpose. In these and all other cases of this nature, kings and princes will do what they please; and it is fit they should, let us talk what we will, always provided, that they remember they are to answer to God for their whole government; and how they should be enabled to make this answer with joy, they are to consult with the laws of God, and of the land, and with their subjects learned in them both: and that, above all men, princes consider not always what they may do, but what is good; and very often, what is best. This only: Tribute upon meat and drink is not of itself unjust; but it is commonly made so: for whether the tribute be paid only by the merchant, as in Castile and England; or by the merchant and him that spends them for his need, and not for his gain, as in Portugal; yet still the poor man is the most burdened in such cases: for the merchant will sell the dearer, and then the evil falls upon the poor housekeeper, contrary to the intention of all good princes; which if they will take care to prevent, I know nothing to hinder them, but that, by the same rules which they observe in making other laws, they may take their liberty in this.

[t] Deut. xx. 11.

[u] Tacit. Histor. l. iv.

[x] Lib. 1. ad Quintum fratr. Ep. 1.

[y] Præterea cum pedagia, guidagia, salinaria tibi legatus interdixerit, auctoritate apostolicâ duximus declarandum, illa esse pedagia, salinaria, guidagia interdicta, quæ non apparent imperatorum, vel regum, vel Lateranensis concilii largitione concessa, vel ex antiquâ consuetudine à tempore, cujus non extat memoria introducta, Innocent. 3 de Verb. Signif. c. super quibusdam, sect. 1.

[z] L. Univers. C. de Vectig. et l. omnium. C. cod.

RULE X.

Tribute, and Customs which are due, are to be paid whether they be demanded or no.

1. THIS is but the result of the former discourses. For if a tribute be just, it is a due debt, and to be paid as any other: and human laws do not only make the paying tribute to be necessary in the virtue of obedience, for then unless the law expressed that it ought to be paid, though it be not particularly demanded, the subject not demanded were free; but the laws place this obedience in the form and matter of its proper kind of virtue, it is justice to pay it, and that must not be omitted at all; for our duty is not to depend upon the diligence of other men; and if the ministers of the prince be negligent, yet we must not be unjust. This is true in subjects and natives; but strangers are free, unless they be required to pay; always supposing, that they go in public ways and with open address. For it is presumed that they are ignorant inculpably in the laws of the country, and they are less obliged; but therefore these defects are to be supplied by the care of them that are intrusted. But if they know it already, they are obliged as the natives, according to the laws, and must not pretend ignorance, in fraud and cozenage.

2. But this also is to be understood of customs and tributes which are just. In which number, those which are of an immemorial time and long use, ever are to be presumed. Those which are newly imposed, may better be considered whether they be or no, because they want that approbation which is given to the old. But whatsoever are unjust, do not oblige to payment; and the merchant may use all just ways of escape and concealment. He may not lie, nor forswear, nor deny them to be there when they are there, and he is asked; but he may hide them, or go into secret ways: and if he be discovered, he must suffer as they please, but his conscience is free.

3. He that pays not tribute, upon pretence that it is unjust, that is, it is imposed by an incompetent authority, or in an undue manner, or unjust measure,—must be sure that it is unjust, and not only think so. For if he be deceived, he does not err with a good conscience, unless he use all the diligence and ingenuous inquiries that he can. His ignorance must not, and cannot innocently, prejudice the prince's rights. If therefore he inquire well and wisely, unless the injustice be very clear and certain, he will at most but doubt concerning it; and if he does, the surer way is to pay it: but if he does not doubt, but is fully persuaded of the injustice, if he thinks true, he is innocent; but if he thinks amiss, he is not only guilty of a culpable ignorance, but of a criminal injustice.

4. If the subject does doubt, the presumption is for the advantage of the prince, because he is the better person, and public, and he is rather to be secured than the private and the inferior. And therefore I wonder at those lawyers and divines that say otherwise, upon pretence that "in dubiis melior est conditio possidentis," "the possessor is to be preferred in doubtful cases." For supposing this, yet the prince is in the possession of law, and the subject in possession of fact: the prince is in possession of an actual right and law of demanding it, and therefore his condition is to be preferred. For in the practice of paying tribute, it is not sufficient cause of omitting to pay it, that the subject doubts whether it be, or is not sure that it is, just. For unless he be sure it is unjust, it is sure that he is bound to pay. And therefore in this case, let no merchant trust his own judgment, but the sentence of a wise spiritual guide, or of counsel learned in the laws.

5. One thing only I advertise in order to practice: Let no man think that because some subjects farm the customs, and that the portion which is concealed, does not lessen the incomes of the prince, therefore it may be lawful to hide from them all which they can hide. For the farmer hath what he gets in the right of the prince, and in his own right he hath nothing from the subject, but from his supreme; who therefore is bound to defend that right, and to complain of that wrong; and the husbandmen in the gospel, who denied to pay to the stewards of the king the fruits of the vineyard, which, in their king's right, were demanded of them, were thrown into outer darkness.

6. But then, as St. John Baptist gave counsel, "the tribute men and farmers must exact no more than is appointed them;" nor yet in cruel and vexatious manners, nor with the exactest and utmost measures, but with such moderation as may be far from rapine. "Tributorum et fisci nunquam mala causa nisi sub bono principe," was an old saying; "Whatsoever was demanded by the tribute-gatherers, it was all justice, whether it were right or wrong, unless the prince were gentle and good." But the vulture-like greediness, and unconscionable, unchristian, and avaricious proceedings, which are too frequent among such men, have made the name of exactors and publicans[a] so infinitely, so intolerably hateful.

> Curandum in primis, ne magna injuria fiat
> Fortibus et miseris. Tollas licet omne, quod usquam est
> Auri atque argenti; scutum gladiumque relinques
> Et jacula et galeam: spoliatis arma supersunt.
> JUV. Sat. 8.

It is not good to provoke the valiant by making them poor and miserable; for they that have not a cloak, may have a sword: and by how much you make them the less considerable in peace, they are the more dangerous in war. And therefore covetous princes are to themselves the greatest enemies, excepting only their more covetous exactors.

[a] Quid est publicanus? Nonne caput rapinæ, et violentiæ? Quid est publicanus? Prædo sine pudore, medius exterminii. Nonne immanior furibus publicanus? Fur namque vel metuens furatur, hic autem delinquit confidenter. Fur laqueos tegit, timet, hic autem quicquid fecerit, legem putat. Lex furem deterret ab illicitis, hic ad iniquum malitiæ suæ compendium legem trahit. Quis eo iniquior qui verbis justitiæ justitiam damnat, et armis innocentiæ spoliat, vulnerat, occidit innocentes? lege utique legem pervertit, et dum urget ad legem, exlex est. Lauret. Episc. Mediol. in Homil.

CHAPTER III.

OF KINGS, PRINCES, AND ALL SUPREME CIVIL POWERS, AND THEIR LAWS IN SPECIAL.

RULE I.

The supreme Power in every Republic is universal, absolute, and unlimited.

1. That in every commonwealth there is a supreme power, is without all question: there is no government without superiority; and where there is a superior, there is a supreme; for he is so, that hath none above him. It matters not, whether this supreme power be subjected in one or many, whether it be parted or united: the consideration of these is material as to the goodness or badness of a government, but nothing to the power and absoluteness of it, nothing to the present rule. And therefore it is but a weak and useless distinction, when we speak of kings and princes, (by them meaning the supreme power,) to say that some are absolute, some are limited in their power: for it is true, that some princes are so; but then they are not the supreme power. It is a contradiction to say, that the supreme power is limited, or restrained; for that which restrains it, is superior to it, and therefore the other is not supreme. And therefore Albericus Gentilis said well, "that he doubted concerning the kings of France and Spain, whether they were supreme princes, because in the affairs of religion they are subject to the pope." He that hath the supreme power, is only under God; and to inquire concerning a king, whether he be tied to laws or conditions, is not properly an inquiry after his power, but after the exercise and dispensation of it. For though he may not always use it, yet the supreme power always is absolute and unlimited, and can do what he please. The difference of a tyrant and a king or a gentle prince being only this, that a tyrant uses his absolute power unreasonably and unjustly, and ordinarily; but a king uses it not but in cases extraordinary, for just and good ends: and if the prince does not, some else must, who, in that case, is the supreme. Sometimes the consuls, sometimes the dictators, sometimes the senate, did extraordinary acts of power; but still they who did it, had the supreme power: and that is necessary, and inseparable from government, that, I mean, which is supreme: ἄκραν ἐξουσίαν, κυρίαν ἀρχὴν, κύριον πολίτευμα, the Greeks call it; "majestatem," the Latins: and be it in whom or in how many it happens, that power can do every thing of government, and disposes of all things in order to it, and is accountable to no man. For suppose a king that hath power of the militia, and his senate of making laws, and his people by their committees of raising money; this power of making war, and laws, and levies, is the supreme power, and is that which can do all things: and although one be accountable for monies, and the other subject to laws, and two of them under the power of the sword, yet this is but the majesty or supremacy parted, and whether well or ill, I dispute not, yet when it is parted and when it is united, it is supreme, and it is all. That government which Aristotle calls λακωνικὴ, δοκεῖ εἶναι βασιλεία τῶν κατὰ νόμων, οὐκ ἔστι δὲ κυρία πάντων, "seems (says he) to be a kingdom, but yet subject to laws, but is not the mistress of all;" and this is true in many European governments: but there is another government where the governor is πάντων κύριος εἷς ὤν, "lord of all, and but one person:" that is the perfect monarchy: but yet that is no greater power than is in every kind of government: for be it where it will, somewhere or other, in all government, there must be a supreme power, and that power is absolute and unlimited. For suppose a king that could be questioned by his senate, deposed, judged, condemned, as Diodorus Siculus[a] tells of the kings of Egypt; yet they that judge the king, cannot be judged themselves, if they have right to judge him: or at least they must stand at a judicatory that cannot be judged, and there is the supremacy placed. Now this being thus stated, the rule is clear, and the Jews expressed it by an odd device of theirs; for when their king died, they tied his thumb so in the palm of his hand, that the wrinkles of the fist should, in a manner that might be fancied, represent שדי which signifies "almighty:" to denote that he was God's vicegerent, and under him had the whole power of government. He had in his right hand a power like the power of God; but the other hand was open and had let it go.

2. Now that this is true, is apparent by all the same reasons, by which the necessity of government is proved. It is necessary that it should be so; for there are some states of things, for which nothing can provide but this "absoluta potestas," "supreme and unlimited power;" as at Rome, when the Gauls had almost possessed themselves of all, and in many cases of their appointing dictators, and in sudden invasions, and in the inundation of tumults, and in all cases where laws are disabled to speak or act,—"ne respublica aliquid detrimenti patiatur," "that the public should by all means be preserved," is the greatest necessity they can have, and that is the great end of power; and either the commonwealth is like a helpless orphan, exposed to chance and violence, and left without guards; or else she hath so much power as to use all means for her safety. If she have not a right to do all that she naturally can, and is naturally necessary, she is deficient in

[a] Lib. 2.

the great end of government; and therefore it must be certain, she hath absolute power: now wherever this is subjected, there it is habitually, there it is always. I do not say it is always there, where it is sometimes actually administered; but there it is habitually from whence it is concredited actually, and put into delegation and ministry: and this is the power, that can do all things of government, and because it is supreme, and it is so always, it cannot be at any time less in judgment, because it is greater in power; that is, it is accountable to no man whatsoever it does.

Qui rex est, regem, Maxime, non habeat. MARTIAL.

3. This supreme power is commonly expressed by "potestas regia," or "kingly power," or power imperial; though when the emperor was lord of the world, to be a king in most places went much less: but because most kings have been and are supreme in their own dominions, by this word we commonly mean the supremacy or the majesty. So Suetonius speaking of Caligula, says he was very near "speciem principatus in regnum convertere," "to change the government into a kingdom," that is, to make it absolute and supreme:—and this distinction Piso used concerning Germanicus, "Principis Romanorum, non Parthorum regis esse filium," meaning, that the Parthian kings were absolute, but the Roman princes ruled with the senate: and Cæsar tells that Vercingetorix was put to death, because he, being but the prince of the Gauls, affected the kingdom. Βασιλεὺς αὐτοτελὴς ὄντως καὶ αὐτοκράτωρ καὶ ἑαυτοῦ καὶ τῶν νόμων, πάντα τε οἷα βούλοιτο ποιῇ, καὶ πάνθ' ὅσα ἂν μὴ βούλοιτο μὴ πράττῃ. So Dion[b] described the power of a king, for that which they understood to be the supreme power.

Σύ τοι πόλις, σὺ καὶ τὸ δήμιον,
Πρύτανις ἄκριτος ὤν,
Κρατύνεις βωμὸν ἑστίαν χθονὸς,
Μονοψήφοισι νεύμασι σέβεν·

So the people in Æschylus[c] speak to their king: "Thou art our city, our commonwealth, above all judicatories, thy throne is sacred and immured as an altar, and by thy suffrage, by thy own will, thou governest all things."—This is the "jus regium," this the supreme power can do, it can be no less than this in its own nature and appointment. So the power is described by Theophilus:[d] Πᾶσαν βασιλεῖ δέδωκε κατὰ τοῦ δήμου ἐξουσίαν, "He hath given to the king all power over the people."—So it is described by Livy: "Reges, non liberi solum impedimentis omnibus, sed domini rerum temporumque, trahunt consiliis cuncta, non sequuntur;" "Kings are not only free from all lets and encumbrances, but are lords of times and things; they by their counsels draw all things after them, but follow not." The Greeks call this supremacy, ἐπιτάττειν ἀνυπεύθυνον ὄντα, "a power to rule without danger of being called to account by men;" St. Ambrose calls it, "non ullis ad pœnam vocari legibus, tutos imperii potestate;" "a power that is safe in its own circles, and can by no laws be called to punishment;" τὴν πρώτην ἀρχήν, that is Galen's word, "it is the chief or prime principality."

——— toto liber in orbe
Solus Cæsar erit ——— LUCAN.

"The king alone" (or he or they, who have the kingly power) "is free;" all others are under compulsories and judges. But St. Peter's phrase is better than all of them. Ὑποτάσσετε τῷ βασιλεῖ ὡς ὑπερέχοντι. The king is the most eminent, the defender of all: and above all, ὑπερέχει, ὑπερμαχεῖ, ὑπερασπίζει, saith Suidas. The king or the supreme hath the power of defence, the power of the sword, and that commands all the rest: for ὑπερέχων, ὑπερνικῶν, it signifies to be more than conqueror. So the grammarians.

4. But in order to conscience, kings and princes, I mean all supreme powers, must distinguish "potestatem imperii ab officio imperantis;" that is to be considered by subjects,—and this, by princes; supreme princes always have an absolute power, but they may not always use it. He that hath a sword by him, is not always tied to use it, and he must cut his meat with a knife. Κατὰ τάξιν τινά βασιλεία, ἡ δὲ ἀόριστος τύραννις, says Aristotle; "It is a kingdom when it is by rule and measure, but if it be unlimited, it is a tyranny:" that is, when affairs are capable of a law and order, the supreme power must so conduct them; he must go in that path where they stand; but if they grow wild and irregular, he must go out of his way to fetch them in again.

5. But then it is also to be considered, that the absolute power of the prince is but an absolute power of government, not of possession; it is a power of doing right, but not a power of doing wrong; and at the worst, it is but a power of doing private violences for the security of the public. This power is excellently expressed in the tables of the royal law written to Vespasian; "Uti quæcunque ex usu reipublicæ et ex majestate divinarum, humanarum, publicarum, privatarumque rerum esse censebit, ei agere, facere, jus potestasque, sit, uti Augusto fuit." Augustus Cæsar was the most absolute prince that ever ruled the Roman people; to him was granted, saith Alciat,[e] to be free from laws, and all the necessity of laws, to be obnoxious to no law written, and to have all the power of kings: and yet all that power was but "to do every thing which he should esteem to be useful to the public, and according to the majesty of religion, and all human rights public and private." And therefore he is "princeps regni," but not "dominus," "a prince," not "a lord;" and the distinction is very material. For to be "lord," signifies more than the supreme power of government. "Qui primi fuerunt Romæ principes, etsi poterant videri revera domini, vitabant tamen valde domini nomen, veluti contumeliam ac maledictum: non vitaturi si esset nomen solius honoris, aut moderatæ potestatis," saith Suetonius;[f] "The first princes of Rome esteemed it a disgrace to be called lords, because it was not a name of mere honour, or of a moderate power; for if it had, they would not have declined it:" but it means an absolute power to

[b] Lib. 53. [c] In Arg. trag. supplic. [d] Decad. 1. lib. 9. [e] De Magistrat. [f] August. 53.

dispose of all lives and all possessions; which is beyond the power of the king or prince. He that is a king, rules over a free people, but a lord rules over slaves. Tacitus,[g] according to the popular humour of the Romans, supposed the power of a king to be too great a violation of liberty; but domination or lording it was intolerable. "Principatus et libertas res sunt dissociabiles; magis tamen sunt dissociabiles libertas et dominatio;" for to be the absolute lord cannot consist either with freedom or propriety: and therefore Ovid prefers Augustus before Romulus in this very instance; for speaking to Romulus of Augustus, he says,

Tu domini nomen, principis ille tenet,

"Augustus is a prince, a gentle governor; Romulus was a lord;" that is, something that no man loves, but every man serves and fears. This power is well expressed by St. Peter's word of κατακυριεύειν, a power not ministering to good, nor conducted by moderation.

Maximum hoc regni bonum rati,
Quod facta domini cogitur populus sui
Tam ferre, quam laudare———. Senec.

When the people must suffer the will of their imperious lord and must commend it, that is, be a slave in their persons and their labours, their possessions and their understandings: that is more than a prince or a gentle lord will do; for then the word is good, when the man is gentle, and the power is moderate. But that which I intend to say, is this, that the supreme power of government is at no hand a supreme power, or an arbitrary disposer of life and fortunes; but according to law, or according to extreme necessity, which is the greatest law of all. In the sense of honour and of moderate power the king is a lord, but not in this sense of law. "Qui pleno jure dominus est, alienandi, dissipandi, disperdendi jus habet," saith the law.[h] By "a lord" is meant, he that hath power to dispose of the goods of the vassals: and this a king or prince hath not. This is not the supreme power of government. A king is not the lord of his kingdom, of the territories of his subjects, "quia dominium in solidum non possit esse duorum," saith Cujacius; "There cannot be two absolute lords of the same land;"—the right owner is the lord, not the right king. "Aliter reipublicæ sunt agri, aliter privatorum. Numquid dubium est, quin servus cum peculio domini sit? dat tamen domino suo munus. Non enim ideo nihil habet servus, quia nihil est habiturus, si dominus illum habere noluerit," said one; "The servant is within his lord's peculiar, but yet he can make a present to his lord. If his lord please, the servant shall have nothing; but yet it follows not, that therefore he is possessed of nothing." Now if this be true in slaves, much more, infinitely more, is it in free subjects, for otherwise are my lands my own, otherwise they are the prince's. "Jure civili omnia regis sunt," saith Seneca;[i] "et tamen illa quorum ad regem pertinet universa possessio, in singulos dominos descripta sunt;" "By the law all things are the king's; but even those things are divided into peculiars, and have private lords."—It is all the prince's lands, and he receives the service and the duty of them all; but the lords receive the rents. The Athenians and the Thebans fight concerning the bounds of their territory; and at the same time Polynæus and Thysias are at law about dividing their shepherds' walks in the same place. "Sub optimo rege, omnia rex imperio possidet, singuli dominio;" "The king governs all, but the subjects possess all their own:"[k] for so Livy might buy his own books of Dorus; they were Dorus's books, and Livy's too: and when a lord receives his rent, the tenant may call the lands his own. Some things are mine by possession, some by use; some by title, some by incumbency; one is the author, and another is the buyer; one is the artificer, and another the merchant, of the same thing; and the king hath the power, but his subjects have the propriety. "Cæsar omnia habet; fiscus ejus privata tantum, ac sua: et universa in imperio ejus sunt, in patrimonio propria."[l] That is the sum of this inquiry. The king hath all, and yet he hath something of his own in his peculiar, and so have the subjects.

6. The effect of this consideration is this: that the supreme power must defend every man's right, but must usurp no man's. He may use every man's peculiar for the public necessity, and in just and necessary government, but no otherwise; and what is out of any peculiar expended for the public defence, must out of the general right be repaid for the private amends. "Verum etsi nostra tempore necessitatis patriæ conferre debeamus, tamen jure naturæ congruit ut communis salus, communis utilitas, commune periculum, non unius duntaxat aut alterius, sed communibus impensis, jacturis, periculisque comparetur," said Cicero.[m] A king is to govern all things; but to possess nothing but what is his own. Only concerning the necessity, if the question be, "Who shall be judge;" it is certain that it ought to be so notorious, that every man might judge: but he who is to provide against it, is certainly the only competent person, and hath the authority. For he that is to stand against the sudden need, ought to espy it. But if ever there be a dispute, who shall judge of the necessity, it is certain, the necessity is not extreme; and if it be not, yet it ought to be provided against, when it is intolerable. Ahab had no right to take Naboth's vineyard; but if the Syrian army had invaded Israel, Ahab might have put a garrison in it, or destroyed the vines, to have saved or served his army.

7. And to this sense Lyra expounds the "jus regium," "the right of the king," described by Samuel[n] to the people of Israel: "for (saith he) there is a double right; the one in the days of necessity, and then all things are in his power so far as can truly serve that public necessity: but when that necessity is over, that right is useless, and is

[g] Tacit. in Agric.
[h] L. 7. C. de Relig. l. sed etsi, lege 25. sect. Consuluit, ff. de Hæred. Petit.
[i] De Benef. lib. 7. cap. 4.
[k] Id. cap. 5.
[l] Id. cap. 6.
[m] 4. ad Herennium.
[n] 1 Sam. viii.

intolerable." And by this means the different opinions of the Jewish doctors may be reconciled. Rabbi Jose says, that "whatsoever is here set down, it was lawful for the king to do." Rabbi Juda says, that "this description was only to affright the people from persisting in their desire of a king." Both might say true: for that it was not lawful in ordinary government to take the peculiar of the subject, appears clearly in the case of Naboth. But that in extraordinary it is just, needs no other argument but because it is necessary: and it appears also in the case of David and Nabal, upon whom David would have done violence, because he sent him not provisions for his army out of his own peculiar. But it is considerable, that this royal power described by Samuel is no more than what is necessary to be habitually inherent in all supreme powers; that is, "potestas imperantis;" he may "licitè facere in tempore necessitatis, legitimè semper," "in time of need he may use it lawfully, but always legitimately," that is, if he does, he only abuses his power, but it is his own power which he abuses: for when Moses[o] described the usage and manner of a king, he did it by the measures of peace and piety, and the laws of natural justice and equity, with the superfetation of some positive constitutions, which God commanded for that king, as part of the judicial law. But when Samuel described the manner of their king, he described the whole power in ordinary and extraordinary; the power, I say, but not the office: Moses described the office, but not the power.

8. I add to this another consideration; that whether all that the Hebrew king did or might do, was warranted by God or no, it matters not to us. For if it be no more than the necessary requisites of supreme power to be used in time only of necessity, we need not fear that this precedent can injure the rights of any people: but if there were in it something more than was good, it was certainly a peculiar of that people, who desired a king to rule over them as the neighbour nations had; right or wrong, they stood not upon that; and therefore Samuel described to them what that was which they required. It was no warranty to the king to do so, but to the people to suffer it: but if it was ill, it was their own desire: for so the neighbour-kings did govern, using too much of their power, and too little of their duty and office. And therefore God was angry with his people, not that they desired a king: for God gave them three things in charge, say the rabbies, which they should do when they came into the land of promise, that they should blot out the name of Amalek,—that they should choose a king,—that they should build a temple. Therefore the choosing of a king was not it that offended God, but that they should desire that a king should reign over them in the manner as the gentiles had: for they thought, saith Josephus, *οὐδὲν ἄτοπον εἶναι τῶν πλησιοχώρων βασιλευομένων τὴν αὐτὴν ἔχειν αὐτοὺς πολιτείαν*, "that all would be well, if they had the same form of government as the nations had." Now their neighbour-nations were governed the most tyrannically, and the people served the most slavishly, in the whole world:

——dociles servire Sabæos.

"The Sabæans (says Claudian) were apt to serve:" "Dociles herilem ferre manum Syros et Parthos, et omnes qui aut ad orientem aut ad meridiem sunt barbaros," said Julian:[p] "All the Syrians and Parthians, and all the nations of the east and south, were used to slavery;" "contentos sub regibus vivere dominos imitantibus;" their kings were absolute lords of possessions as well as of tribute and government; and the people were pleased to have it so: and the Israelites would follow their example. —"Ecce in hoc errârunt," (says a Jewish doctor,) "quod Israelitarum conditio non est, ut judicet eos rex aliquis pro suâ voluntate, ut imperatores gentilium, qui sanciunt populis suis leges, quascunque animis concipiunt." "Their error was in desiring such a king as the gentiles had: for their condition would not suffer it that their king should make laws according to his own will and humour, as did their neighbour-kings, who were proud and barbarous, and counted easiness of access a lessening of majesty, and would be bound by no measures but their own will:" and therefore said God to Samuel, "They have not rejected thee but me:" that is, "they would have a king, not such as I have commanded in my law, but such as they see among their neighbours, who make laws themselves without me."— And therefore, although God commanded Samuel to hearken to them, and make them a king: yet by terrors, like those on mount Sinai, he first made them confess their fault, and therefore to submit to a king of God's choosing, who should reign by God's law.

9. So that it is to no purpose, that this place hath been so tortured by interpreters, and pulled in pieces by disputation; while they contend on one side, that this was a description of the king's power, —on the other, that it was a prediction of matter of fact: for it was neither one nor the other alone, but a description of the manner of the heathen kings; and a representment of what it was which they asked, and what was like to be the effect of that power, which they desired God would set over them: but the question of the extent and liberties of the supreme power is no way concerned in it. For it matters not, what the eastern and southern kings did: for they did that in ordinary, which is not to be done but in cases extraordinary; they did that for pleasure, which was not to be done but for necessity. But as to the thing itself, nothing can be more certain, but that, 1. In all republics, somewhere or other, there is a supreme power. 2. That this power can do all things of government; so that nothing is so great, but if it be necessary, it is just and can be done: for if there were any time, and any case, in which evil may happen, and no provisions may be made for it, in that case, and at that time, it is an anarchy, there is no government at all. 3. That this supreme power, being a power of government, must also be a conservator and great

[o] Deut. xvii.

[p] Contr. Christian.

minister of justice: and therefore must suppose every man's right to be distinct, and separate, and firm: and by consequence, that he hath nothing to do with men's proprieties, but to defend them in peace, and use them in war so as is necessary, that is, so as is unavoidable; according to that saying of Maimonides; "Potestatem habet rex ordinandi mundum juxta id quod præsens hora postulat." There are some sudden accidents, against which there are no regular provisions in laws; but to provide for them at the instant by extra-regular means, is within the power of the supreme. But in all this whole question, the saying of Baldus[q] is the best measure of the consciences of princes: "Clausula de plenitudine potestatis semper intelligitur de potestate bonâ et laudabili." The plenitude of power, of all things in the world, ought the least to be feared, because it never is to be used but for the greatest good.

Upon the occasion of this discourse the lawyers sometimes dispute,

10. Whether it be lawful and in the power of the supreme prince or magistrate, to alien or lessen his princely rights, or to give away any part of his kingdom.

11. But to this the answer is easy. For, (1.) Whatsoever is their right by just conquest, or is ἐν μέρει κτήσεως ἰδίας, "in their private possession," they may alien as any private person may his lands. Thus Solomon gave the חבל twenty cities (which his father-in-law the king of Egypt had conquered and given him with his wife in dowry, and which himself had won) to Hiram. Alexander gave all his kingdoms to his princes that served him in his wars. Attalus gave Asia to the people of Rome; Nicomedes gave Bithynia; the father of Mithridates had Paphlagonia by gift: and in England it was said, that Edward the Confessor gave England by will to the bastard of Normandy: and divers of our kings did in their wills at least recommend a successor; Edward VI. did, but it came to nothing. But when the donor or the donee respectively can make it good, then it holds in law, and not otherwise; for questions of this nature used to be determined by the sword, and not by discourses.

12. (2.) But yet this is certain, that where the princes are trustees of the people, and elective, or where the right of succession is in a family by law or immemorial time, no prince can prejudice his heir, or the people that trusted him. Nothing is here to be done without consent, not only because the alienation cannot be verified against consent [in which case Charles VI. of France desired his will might be confirmed by the nobles; and the king of Macedonia went up and down to all the cities to recommend to them Antigonus, whom he desired to make a king]; but because in these cases, though kings have the supreme power, yet they have it not "pleno jure," by a fulness of dominion. It may be, as Aristotle calls it, παμβασιλεία, παντελὴς, αὐτοκράτης, καὶ ἀνυπεύθυνος βασιλεία, "a full, supreme, absolute, and entire principality;" yet by not being in full and entire private possession it is by all rights to be administered, but without wrong cannot be aliened. Hottoman[r] will by no means admit, that in any case a kingdom can be aliened, because it is the case of persons as well as of things; and they cannot be disposed of like slaves or beasts. But he considers not, that subjection to princes can best stand with personal liberty; and this cannot well be secured without that: for where there is no civil government, every man that is stronger can make me a slave; but by the power of a prince I am defended in my liberty: and Hottoman's objection must needs be invalid, unless there be no liberty but where there is no government.

[q] 1 Consil. 245.

RULE II.

The Supreme Power is superior to the civil Laws, but not wholly free from them.

1. This rule hath been thrust into great difficulty by the interests and mistakes of princes and subjects respectively. For it hath been disputed, whether princes be free or no from the laws of their kingdom; and things of this nature, when they once are questioned, are held more pertinaciously, and desired more greedily, and possessed suspiciously, and conducted with jealousy, and looked upon with envy or indignation. For the prince, if it be but disputable, will yet conclude for his own interest: and it is argument enough for him that it is so, because it is not certain that it is not so. And the subjects will, upon the same account, suppose the prince bound to his laws, because they know nothing to the contrary; and therefore they presume for the authority of the laws, as the prince does for the immunity of his person. But then, because it is questioned, the prince, lest he lose it quite, will hold the faster; and the people will snatch at it more impotently, lest they be slaves for ever. And therefore disputations in this case are not prudent or safe; but precepts, and sermons, and great examples, and the sayings of wise men, and positive affirmations in those particulars that be manifest.

2. "Princeps legibus solutus est," said Justinian:[s] "The prince is not tied to laws:" for it seems impossible that he that hath power over the law, he that gave it being, and can give it a grave, should be less than that which hath no greatness, but what it borrows from him. Indeed, if the prince had divested himself of his power, when he made the law, —he had been subject to it; but then he could have no power to abrogate it: which because it is inseparable from the legislative power, it follows that the life of the law is in continual dependence from, and therefore in minority and under him; and therefore the lawyers have a proverbial verse,

Non est rex legi, sed lex obnoxia regi.

For a law, without a compulsory power, is nothing but good counsel at the best; and the supreme power cannot be compelled: for he will not compel himself, he cannot; he may be willing, but he can

[r] Illust. Quæst. 1. [s] Instit. d. tit. 2.

never force himself; and to the supreme no man is superior, and therefore none else can compel him; therefore the divines use to say, and so do the lawyers too, that kings are subject to the directive power of the laws. The distinction I acknowledge, but believe it here to be to no purpose: for laws have no such power, and a directive power is no power; for if it can only direct, it is not a law, for a law obliges, and does not only direct: and as for the mere matter of counsel, the prince need not be at the charge of a law for that; his counsellors, his bishops, his lawyers, his friends, can do that without a law. The same thing is usually said concerning just men. "Justis lex non est posita," saith the apostle; "The law is not made for the righteous, but for the wicked:"—that is, the compulsory of laws is not at all designed for them that obey without compulsion. Not but that the just are under the power of laws, and the laws were made to command them the particulars and the instances of obedience; and if they prevaricate, they shall feel it. But they are so willing to obey, and so love government and the virtues commanded by the laws, that the laws are of no use to good and just men, but to direct them to what is required of them; and so they are under that which is improperly called the "directive power" of laws; but princes are not so. The supreme power may, if he will, obey: so may the just man: but this man must obey or he shall be punished, but not so the prince. The laws of themselves may direct the prince; but it is, because he will have it so: but they direct the just, because they have authority to command, and to punish, only that the just will not let it come so far. It is but a shadow of liberty to say, I am not under the compulsion, but the direction of laws: for such persons, if they will not be directed, shall be compelled, and it is better to be willing than unwilling; for call it what you will, you are commanded to do it, and you must obey. Now this being the case of the just subject, and not the case of the supreme power, whether just or unjust, it is clear that the prince or supreme power is not subject to any power of the laws; the law is no commandment to the prince, and whatsoever is nothing but counsel, is no law.

3. And yet on the other side, we find good princes saying otherwise; and they who are apt enough to advance their own power, yet confessing their power to be less than the law, that is, that themselves are bound to keep it: so said the emperor;[t] "Digna vox est majestatis regnantis, legibus alligatum se principem profiteri," "It is a voice worthy the majesty of a prince, to profess himself tied to his laws."—"Patere legem, quam tu ipse tuleris," said the wise man; "Suffer the law which thou thyself hast made;"—the same with that of Pittacus;

Pareto legi quisquis legem sanxeris.

And the equity of this, besides that it is apparent, is also given in the law;[u] "Nihil tam humanæ fidei consentaneum est, quam ea quæ placuerunt servari." If they have pleased the prince in the sanction, let them also please him in the observation, for that is agreeable to the faith and ingenuity of worthy persons.

4. These things are but seemingly opposed, for both parts are true, and are to be reconciled by the following measures.

5. (1.) The supreme power is not under the fear of the laws, but is to love the virtue and order that are there commanded. For there is a necessity introduced by public honesty as well as by fear. And therefore the Greek lawyers in their commentaries upon that of the institutions, that the prince is free from laws, expound it to be meant of penal laws; that is, they cannot be punished for prevaricating, or for not keeping them: and Decianus said the same thing: "Non quia iniqua liceant, sed quod non timore pœnæ sed amore justitiæ:" It is no more lawful for princes to do unjust things, than for their subjects; but they are invited to do worthy things, not because they are to fear the punishment of laws, but because they must love justice; and there is that necessity for them to do so, that there is of being great and honoured. The laws of honesty, of fame and reputation, which amongst all good men are the guards of virtue, must endear it also to kings: so Claudius to Theodosius,

> Tu licèt extremos latè dominere per Indos,
> Te Medus, te mollis Arabs, te Seres adorent;
> Si metuis, si prava cupis, si duceris irâ,
> Servitii patière jugum; tolerabis iniquas
> Interius leges. Tunc omnia jure tenebis,
> Cum poteris rex esse tui. Proclivior usus
> In pejora datur, suadetque licentia luxum,
> Illecebrisque effrena favet. Tunc vivere castè
> Asperius, cum prompta Venus. Tunc durius iræ
> Consulimus, cum pœna patet. Sed comprime mentem:
> Nec tibi quod liceat, sed quod fecisse decebit,
> Occurrat, mentemque domet respectus honesti.

A king is not to consider the greatness of his power, but of his duty: and not reckon upon his impunity, but his reputation;[x] and because he does not fear the public rods and axes, let him respect public honesty: so Accursius affirms: "Principem, etsi legibus solutus sit, honestatis tamen necessitate omnino teneri oportere:"—and this is the sentence of Decius and most lawyers. But "Honestas non videtur inferre necessitatem," say the lawyers. This does not make it simply necessary: but it persuades vehemently, and upon princes, whose honour is both conscience and interest too, it differs but little from it. For it makes that they ought to do what is fit. But in kings it is true what Muscornus[y] Cyprius says; "Verbum illud 'debet' non coactionem, sed rationalem quandam persuasionem denotare videtur." It is their duty, and they ought to do it; and that signifies every thing but compulsion. However, a prince is only free from one compulsory which is upon his subjects; but is under many which touch not them. God[z] enjoins him a greater duty, and

[t] C. de legib. et constit. l. 4.
[u] L. 1. ff. de pactis.
[x] Vestri consilii; vestræ prudentiæ est spectare quid deceat vos, non quantum liceat. Cic. pro Rabirio.
[y] Hieron Muscornus, tract. de Jurisdict. et Imp.
[z] Principes qui superiorem non habent, plus puniuntur à Deo; et itaque caveant sibi, nec peccent. Castr. 11. cap. de Jud.

exacts it with greater severity, and will punish their delinquencies more sharply: "Potentes potenter," saith the Wisdom of Solomon; "Mighty men shall be mightily tormented;" and "Tophet is prepared for the king."—Kings have a greater need in their affairs than the small fortunes of their subjects; and therefore have need of a greater piety to secure so great a providence. They have more to lose, and therefore need a bigger caution to secure it; they have more at stake to endear obedience: and since a king is but one person, and is strong only by the obedience of his subjects, and that obedience is secured only by love, and that love can no way be obtained but by beneficence and justice; if he breaks these securities, he may have cause to consider that of Tacitus, "princeps unus est civium et senatus consensui impar," "that one man against a multitude is nothing;"—and that the senate and the people are stronger, and need not fear him alone, but he alone may have cause to fear all them together;[a] and that the sins of a prince are often punished by the sins of the people. He can consider that he is to govern a multitude, whom nothing can unite but an almighty power; that they are as contingent in their love and hatred, as chance itself; that no fortune in a king is moderate; that when it declines it oftentimes runs to extremity; that he seldom hears truth, never meets with a bold and a wise reprover; that he hath many flatterers, and but few friends; that he hath great powers of doing evil, and temptations and opportunities always ready; that his very being superior to laws leaves his spirit infinitely unguarded and spoiled of one of the greatest securities of virtue; that impunity is a state of danger; that when virtue is left only under a counsel and cold recommendation, and is not made necessary by laws, he had need have a great and a mighty virtue to make it necessary by love and choice: and that such perfect virtues are but rarely obtained, and after a long practice; that "fear is the beginning of wisdom;" and therefore princes are very much to seek in this particular, because they have nothing to begin with; and to choose virtue for love is not usual with beginners, but is the consummation of the most perfect; so that we may well pray, "God help poor kings," who if they do virtuously, must needs be infinitely dear to God, because it is so extremely difficult to be so; and nothing can make them so, but two conjugations of miracles,—the excellencies of the Spirit of God, and the spirit of a king. So that it is no privilege to kings that they are above the power of the laws; it is their objection, and the evil of their state. Only it is necessary to others that these should dwell in danger: and as for their obedience to laws, it is not bound upon them by the same cord that ties the subject, but by another; it is not necessary for the same reasons, but it is by a greater necessity.

6. (2.) But then these supreme compulsories, being wholly conducted by the hand and providence of God, do plainly tell us that the supreme power is obliged to all the laws of God, to the laws of nature and christianity. A king hath no power to govern but according to God's laws. For if he does, though he have no compulsory below, yet above there are enough, and to God's laws the greatest power on earth is entirely subordinate. Ὁ νόμος πάντων βασιλεὺς θνητῶν τε καὶ ἀθανάτων, ὡς φησι Πίνδαρος, "The law is the supreme king of all," said Pindar. The same is also said by Chrysippus, by Aristotle, and divers others: and Plato[b] affirms that destruction is imminent upon that city, where the magistrate governs the law, and not the law the magistrate: and again; Ἄνομος μοναρχία χαλεπὴ οὐ βαρυτάτη συνοικῆσαι, "The prince that rules not by laws, is nothing but a grievance to his subjects."—But that these great persons mean the laws of God and nature, is explicitly plain in Plutarch,[c] who having affirmed that the law must rule the prince, adds by way of explanation, that it be that law, οὐκ ἐν βιβλίοις ἔξω γεγραμμένος, οὔτε δέ τισι ξύλοις, ἀλλὰ ἔμψυχος ὢν ἑαυτῷ λόγος, αἰεὶ συνοικῶν καὶ παραφυλάττων, καὶ μηδέποτε τὴν ψυχὴν ἐῶν ἔρημον κηδεμονίας, "not which is written in books or tables, but the law of reason, that always dwells within: that law that always is his guard, and never suffers the soul to be without a guide," that is the law that is superior to princes. Some little instances of particulars of this law were decreed by Servius Tullius king of the Romans; of which Tacitus says, "præcipuus Servius Tullius sanctor legum fuit, queis etiam reges obtemperarent;" "he made laws of that nature, that even kings themselves should obey them." For as

Regum timendorum in proprios greges,

So it is as true,

Reges in ipsos imperium est Jovis. Horat.

"As the people are subjects of the prince, so is the prince of God; they must obey their king, and their king must obey God:"—concerning whose law it was said to Domitian by Apollonius Tyanæus,[d] "Hæc mihi dicta sint de legibus, quas si tibi imperare non putaveris, ipse non imperabis;" "If thou dost not think these laws ought to rule over thee, thou shalt not rule at all."

7. Upon this account a prince may not command his subjects to fight in an unjust cause, according to that saying of St. Jerome,[e] "Cum dominus carnis à Domino spiritûs adversum imperat, non est obediendum:" "We must not obey the rulers of this world, the lords of our flesh, when they command any thing contrary to the laws of the God and Lord of all spirits."—The commands of princes must be, as Tertullian says, "intra limites disciplinæ," "within the bounds of our religion;" and therefore the Athenians laughed at Stratocles for desiring them to make a law, that whatsoever pleased King Demetrius, should be the measure of piety to the gods, and of justice amongst men. God's law is the measure of the prince's power; not his will the

[a] Vindicta certè maxima in nobis sita esta. Cogut timere? odisse rursum possumus: justa odia superant omne vindictæ genus. Meurs.

[b] Dial. 4. de Leg.
[c] Lib. de Regno.
[d] Apud. Philostratum.
[e] In Ephes. vi.

measure of that: and therefore the Jews that were soldiers under Alexander, could, by no tortures, be compelled to assist in the building of the temple of Belus in Babylon; and the Theban legion under Julian the Apostate refused not to fight for their prince against the barbarians, and they refused not to die: but they refused to be executioners of the martyrs, that died in the cause of christianity.

8. But this is to be practised, that the prince's just laws be not neglected upon the arrest of every fancy or foolish opinion. If it be certain that it is against the law of God, then we are safe in our disobedience. "Idcirco Romanas leges contemnimus, ut jussa divina servemus," said Sylvanus [f] the martyr; "Because we are sure these Roman laws are against the commandments of God, we easily despise them." But if we be not sure, but are in doubt whether the laws be just or no, we are to presume for the laws, and against our own fears. For nothing is at all of advantage due to the laws, if we prefer before them any opinion of our own, which we confess uncertain; and although we are not to do any thing of which we doubt, yet, in a doubt we are to obey laws, because there is a doubt on both sides: and as we fear the thing is unjust, so we have reason to fear the evil of disobedience, for we are sure that is evil: and therefore we are to change the speculative doubt into an active judgment, and a practical resolution, and of two doubts take the surer part, and that is to obey; because in such cases the evil, if there be any, is to be imputed to him that commands, not to him that obeys, who is not the judge of his prince, but his servant. "Servus herilis imperii non censor est, sed minister;" said Seneca; "They that are under authority, are to obey, not to dispute."—But of this I have given an account already in book 1, chap. 5, rule 6.

9. (3.) But then concerning the civil laws of his country, we are to distinguish; for some concern the people only,—and some concern the prince only,—and some are common to both. Those that concern the people, are such as require tribute, and labours, and manners of trade, their habits and dwelling. In these and all such, the people are obliged and not the prince: for the duties are either relative and concern their part only of the relation; or else, by the nature of the things themselves, do point out their duty, and in these things there is no question. For not the king but the people are to pay tribute; and the king's lands are free, if they be in his own possession.

10. (4.) But there are some laws, which concern the prince alone, as all acts of grace, and ease to the people; all that he hath been pleased to promise, the forms and laws of government, and to whatsoever himself hath consented, by all those laws he is bound; because in such cases as these, it is true what Pliny said to Trajan in his panegyric; "In nostris, simili religione ipse te legibus subjecisti: legibus, Cæsar, quas nemo Principi scripsit. Sed tu nihil amplius vis tibi licere, quam nobis." The prince had not a law imposed upon him, but he became a law unto himself; and when he hath bound himself, there is the same necessity upon him as upon his subjects.

11. (5.) Other laws yet do concern both prince and people; such as are all contracts and bargains. "Licet serviant ædes meæ, ei tamen cum quo agitur, non serviunt; quantum enim ad eum pertinet, liberas ædes habeo:" [g] "Although my house is bound to serve the public necessity, yet in respect of him that contracts with me, my house is free."—So also it is in the acquisition of new rights, the repetition of the old, and generally in all those things that are established by the law of nature, or do concern him personally, and not in the capacity of a king. Thus saith the law; [h] "In imperfecto testamento nec imperatorem hæreditatem vindicare posse sæpe constitutum est," "The prince cannot be heir, if the testament of the dead man be illegal." Sometimes and in some places, it may be, fewer witnesses will serve in the prince's case than in another man's; but then it is, because fewer in his case are required by law; but still the law is his measure as well as of his subjects.

12. (6.) The great laws of the kingdom do oblige all princes, though they be supreme. Such were those which were called "the laws of the Medes and Persians;" whose princes, although they were the most absolute and supreme, yet they were inferior to those laws, as appears in the Book of Daniel. These are by way of eminence called "leges regni," "the kingdom's laws." Such are, the golden bull of the empire; the law Salic and the pragmatical sanction, in France; the Magna Charta and the petition of right, in England; and in other countries the like, as who please may, particularly for Spain, see in Mariana.[i] This is confessed by all, and it relies upon natural justice, the prince having consented to it; it is either "sponsio principis," or "conditio regnandi;" he was admitted either upon that condition, or with it.

13. (7.) Whatsoever the prince hath sworn to, to all that he is obliged not only as a single person, but as king: for though he be above the laws, yet he is not above himself, nor above his oath, because he is under God; and he cannot dispense with his oath or promise in those circumstances and cases, in which he is bound. And therefore, although the prince is above the law, that is, in cases extraordinary and privileged cases, and the matter of penalties; yet he is so under all the laws of the kingdom, to which he hath sworn, that although he cannot be punished by them, yet he sins if he breaks them. Not that the law does bind him, for it cannot bind without a compulsory; and against him the law hath no such power: but yet he is bound to the law, though not by it; the obligation comes not from the law, but from other causes, from his promise, his oath, his contract, his religion, his reputation, his fear, his hopes, his interest, and especially from God himself. For it is carefully to be observed in this particular, that though a promise gives a man right to the thing which is pro-

[f] In Martyrol. Rom.

[g] L. 4. Si serv. vind.

[h] Lib. 3. cap. de testa.—Lib. 6. cap. qui test. fac. po.

[i] Lib. 20.

mised, it does not always give him a right over the person. A king is like him that promises a thing under a curse; if he fails, the injured person is not to curse him, or to inflict the curse upon him, but that is to be permitted to God alone. And therefore if a king swears to his people to make no law without their consent, he is bound to perform his word; but if he does not, God, and not they, are to punish the perjury. The king's promise, or cession, or acts of grace, do never lessen or part his power, but they tie his person. An act of parliament in England, if it be made with a clause of perpetuity, that if an act should be made to rescind it, it should be void, that first act of itself is invalid. "Clausulæ deroganti si derogetur, valet ut posterius testamentum, ita posterior constitutio," say the lawyers. Concerning which Cicero hath written an excellent epistle to Atticus.[k] It is as if a man should make a will to annul all future wills of his own; it shows indeed that he had then a mind to have that to be his standing will: but how if his mind change? Constantine made a law, that widows and orphans should not be cited to the emperor's court for judgment, or compelled to come, though he himself should command them; but yet if he did command them, that first rescript stood for nothing. Antiochus III. commanded the magistrates not to obey him, if he commanded any thing against the laws: but if he should command any such thing, it were not safe for them to urge himself against himself. The Roman emperor bade his officer use his sword against him, if he broke the laws: but this gave him no power over his prince, in case he had gone against the laws; it is nothing but a confident promise, and an obligation of dishonour and his conscience, of which God alone is the superior and the guardian.

14. The custom of supreme princes, swearing to govern by laws, was very ancient: we find an example of it amongst the Gothic kings in Cassiodore; amongst the late Greek emperors in Zonaras and Cedrenus. Anastasius[l] the emperor sware to observe the decrees of the council of Chalcedon; Adrian the emperor sware, that he would never punish a senator but by the sentence of the senate: and Trajan, having promised to rule with justice and clemency, consecrated his head and right hand to the anger of the gods, if he broke his word: and Plutarch tells, that the kings of the Cossari sware to the Epirots, that they would govern according to the laws. And indeed abstracting from the oath and promise, kings are bound by natural justice and equity to do so: for they are not kings, unless they govern; and they cannot expect obedience, unless they tell the measures by which they will be obeyed; and these measures cannot be any thing but laws, which are, at first, the will of the prince; and when they are published to the people, then they are laws, but not till they be established by rewards and punishments, which are the portion of the people good and bad. Now this is the natural way of all good government, there is no other; and to govern otherwise is as unnatural as to give children meat at their ears, and hold looking-glasses at their elbows that they may see their face. If kings be not bound to govern their people by their laws, why are they made? by what else can they be governed? by the will of the prince? The laws are so: only he hath declared his will, and made it certain and regular, and such as wise men can walk by, that the prince may not govern as fools govern, or as a lion does, by chance, and violence, and unreasonable passions. "Ea quæ placuerunt, servanda," saith the law.[m] If this had not been the will of the prince, it had been no law; but being his will, let it be stood to: when the reason alters, let his will do so too, and the law be changed, that the measures of right and wrong, of obedience and disobedience, may be known.

15. We have seen how kings are bound: the next inquiry is, how they are freed, and how they are superior to laws. Antonius Augustinus says, that by the "lex regia," or the "jus regium," kings, that is, the supreme power, are only freed from some laws: and this he gathers from the words of the royal law[n] written to Vespasian, "Uti quibus legibus ne Augustus teneretur, iis Vespasianus solutus esset: quæque ex quâque lege Augustum facere oportuit, ea omnia Vespasiano facere liceat:" "Where Augustus Cæsar was free, Vespasian should be free: but those things which Augustus ought to do, all those Vespasian might."—The word "liceat" in his case was modestly put in; not but that "oportuit" had been the better word to express his obligation, as well as the duty of Augustus: but it was therefore chosen to represent that to be expected from him, but could not be exacted; it was his duty, but no compulsion lay near him: but certain it was, that the power of the people being devolved upon him, (for it had been a popular government,) as the people were bound to the laws which themselves have made, so was the prince. The people were, for there was none else to keep them: but therefore so was the prince, for he had but the same power which the people formerly had, when they were supreme. But then that they were tied but to some laws, and not to others, is very true: but so, that he was tied to all those laws which were intended to oblige him directly, and indirectly to all the rest, that is, to govern the people by their measures only.

16. But now if we inquire from what laws they were freed, and what is the right of a king or the supreme power more than of the people: I answer,

1. It consists in that which we in England call "the king's prerogative;" in the civil law the "lex regia," or "Vespasian's tables;" by the Jews פרת, the δικαίωμα βασιλέως, "the statute or proper appointment of the king;" the particulars of which are either described in the respective laws of every people, or are in their customs, or else is a power of doing every thing that he please that is not against the laws and customs of his people, without giving a reason. "Cum lege antiquâ, quæ regia

[k] Lib. iii. epist. 24. [l] Cassiod. var. lib. 10. 16, 17. [m] L. I. ff. de pactis. [n] Authent. si quis de Eden.

nuncupatur, omne jus omnisque potestas populi Romani in imperatoriam translata sunt potestatem," saith the law.[o] Amongst the Romans that was the "jus regium," that the prince could do all that ever the people could: now what that was, we find in Dionysius, by the concession of Romulus: "Populus magistratus creanto, leges sciscunto, bella decernunto;" "The people might create magistrates, make laws, and decree peace and war."—That is the right of kings, or the supreme power.[p] Guntherus hath summed them up from the laws and customs of the empire, and some ancient Italian governments.

> Ac primum Ligures, super hoc à rege rogati,
> Vectigal prorsus, cudendæ jura monetæ,
> Cumque molendinis telonia, flumina, pontes,
> Id quoque quod[q] Fodrum vulgari nomine dicunt
> Et capitolicium certo sub tempore censum:
> Hæc Ligures sacro tribuerunt omnia fisco.
> Hæc et siqua pari fuerunt obnoxia juri,
> Prælati, proceres, missique potentibus urbes
> Libera Romano reliquerunt omnia regno.

But the "jus regium," what it is in the consent of nations, who please may see in Aristotle's Politics, lib. 3 et 4; in Polybius, lib. 6; Herodotus in Euterpe; in Halicarnassæus, lib. 4, 5, 7; in Valerius Maximus, lib. 7; in Orat. quâ suadet Concordiam Patrum et plebis in fin. in Tacitus 4. Annal.; in Suetonius in Tiberio, c. 30; in Dion. lib. 53; and in the later Politics, Fabius Albergatus, Zimara, Bodinus, Aretinus, and, generally, in the commentators upon Aristotle.

17. (2.) It consists in the king's immunity from obligation to some solemnities of law to which his subjects are obliged. "Ratum esse actum, etiamsi actio non habeat plenam rectitudinem, dum jus non desit," say the lawyers. Of which nature is that for which Æneas Sylvius,[r] afterwards Pope Pius II., laughed at Henry VI. of England, that his public instruments had no test but his own, and he wrote "Teste meipso," "Witness ourself:" in which the king doth imitate the King of kings, of whom St. Austin[s] says, "Testem se dicit futurum, quia in judicio suo non indiget testibus;" "He swears by himself, because he hath none greater; and is his own witness, because he needs no other:" and it is enough that a king says it, because his word ought to be great and venerable, as his power and his majesty. And it was not only in the matter of coercion, but of solemnities, true, which Justinian[t] said: "Omnibus à nobis dictis imperatoris excipiatur fortuna, cui et ipsas Deus leges subjecit;" "The fortune of the emperor is to be excepted from the edge and from the forms of laws, because God himself hath made the laws subject to the emperor."

18. (3.) The king is therefore "solutus legibus," or "free from laws," because he can give pardon to a criminal condemned: for the supreme power is not bound to his own laws so but that upon just cause he can interpose between the sentence and the execution. This the Stoics allowed not to any wise man, as supposing it to be against justice: and to remit due punishment, is to do what he ought not: for what is due is just, and what is against that, is unjust. All which is very true, but nothing to the purpose. For it is true, that it is but just that offenders should be punished; it is due, that is, they are obliged to suffer it: "pœna debita ex parte reorum," it is their debt, not the king's; they are obliged, not he; and yet it is just in him to take it, that is, he may; but he is not obliged in all cases to do it. And in this also he is an imitator of the economy of God, who, according to that of Lactantius, "legem cum poneret, non utique sibi ademit omnem potestatem, sed habet ignoscendi licentiam;" God and the vicegerent of God, when they make laws, have not exauctorated themselves: but as that law is an efflux of their authority, so it still remains within the same authority that they can pardon offenders. Thus David pardoned Shimei and Joab, and would fain have pardoned Absalom, if the hand of Joab had not been too quick for him. And this cannot be denied to the supreme power, because the exercise of this is one of the greatest virtues of a prince: which was well observed by Pericles on his death-bed, when his weeping friends about him praised, some of them his eloquence, some his courage, some his victories; lifting up his head a little," "Et quid hoc est? (saith he,) aut parva aut fortuita laudatis: at illud maximum omittitis, quod mea opera nemo pullam vestem sumpserit."—That he had no public executions, that no man was put to wear blacks for his friend, was a clemency greater than all the praises of eloquence, or a prosperous fortune.

> ——Quisquis est placidè potens
> Dominusque vitæ servat innocuas manus,
> Et incruentum mitis imperium regit,
> Animoque parcit; longa permensus diu
> Permensus ævi spatia, vel cœlum petit,
> Vel læta felix nemoris Elysii loca.[u]

But all the world commends clemency, the gentle hand of a prince, his unwillingness to kill, his readiness to save: for, "principi non minus turpia multa supplicia, quam medico funera;" "many executions are as great a dishonour in a prince's reign, as many funerals in a physician's practice:"[x] and therefore Cassiodore[y] says that "a good and a gentle prince will sometimes pass the limits of equity, that he may serve the ends of clemency; "quando sola est misericordia, cui omnes virtutes cedere honorabiliter non recusant;" "for to mercy all other virtues count it honour to give place."—And this Charles V. and Maximilian II. signified by their device of an eagle perching upon a thunderbolt, with an olive in her beak: and Nerva and Antoninus Pius impressed upon their money a thunderbolt upon a pillow; to signify that vindictive justice ought to sleep sometimes. Now certainly this being so great an excellency in a prince, is not greater than his power. "Imperatori licet renovare

[o] Lib. 1. ff. de constitut. Princip. et sect. sed et quod Principi. Instit. de Jure Natur. et præf. pandect. lib. 1. ff. de Offic. præf. præt. et Cod. de vet. Jur. enucleand. lib. 1. sect. sed et hoc.

[p] Lib. 8.
[q] Fodder.
[r] Com. Pii. 2. lib. 3.
[s] Lib. 20. de Civit. Dei. cap. 26.
[t] Nov. 105.
[u] Sen. Herc. Fur.
[x] Senec. de Clement.
[y] Variar. 11.

sententiam, et reum mortis absolvere, et ipsi ignoscere; quia non est subjectus legibus, qui habet in potestate leges terræ," saith St. Austin: "The emperor, who can make laws, is not subject to laws, or so tied to them, but that he may revoke his sentence and pardon a criminal."

19. This, I say, is part of his royalty; but is only then to be practised, when it can consist with the ends of government, that is, when the public interest can be preserved, and the private injury, some other way, recompensed. These indeed are the general measures not of the prince's power, but of his exercising this power justly.

20. (1.) When the criminal is a worthy person and can be beneficial to the republic. Thus in the Low Countries a pardon, in ordinary cases of felony, is granted of course to him, that can prove he hath invented some new art: and one lately saved his life by finding out a way exactly to counterfeit old medals.

21. (2.) If the person hath already deserved well of the public. Thus Horatius Cocles was spared, though he killed his sister, because he got honour and liberty and safety and dominion to Rome by killing the three brothers, the Curiatii: and Solomon[z] spared the life of Abiathar the high priest, because he bore the ark before David, and was afflicted in all his troubles.

22. (3.) When the criminal can be amended, and the case is hugely pitiable, and the fact not of greatest malignity. Thus oftentimes we see young men pardoned, and the first fault lightly punished; and because young Cæsar was in the flower of his youth and a princely boy, Sylla was more easily prevailed with for his pardon.

23. (4.) If the fault be private, and not brought to public courts, it is easily pardoned, though delated by a private information. "Conquiri ad judicium necesse non fuit:" Some things when they are made public, cannot be dismissed, but are not to be inquired after. It was the advice of Cicero to his brother Quintus, concerning a certain criminal.

24. But all this is upon supposition, that the crime be not of greatest mischief, or foulest scandal and reproach; for if it be, nothing can be taken in exchange for it; a great virtue cannot make compensation for a very great crime: and this is particularly true of treason, of which those words of Bartolus are to be understood; "De offensionibus erga Dominum non est compensatio ad servitia eidem impensa;" "The services done to a lord cannot make satisfaction for a conspiracy against him."—And therefore the Romans caused Manlius Capitolinus to be thrown headlong from that rock, from whence he had thrown the Gauls when he saved the city. He produced the spoils of thirty enemies, forty donatives from generals, two civic crowns, eight murals; yet all would not save his life and get his pardon. But yet in these things the supreme power is so free from laws that it does these things irregularly. "Clementiam liberum habere arbitrium," said Seneca; "Clemency hath a great liberty, and a free choice:" but they are obliged only to see that the public be not prejudiced, and that every private interest be secured by causing amends to be made to the injured person where it can; and then it is true of every supreme prince which Seneca advised Nero often to remember, "Occidere contra legem nemo potest; servare nemo, præter me;" "No man at all can put a man to death against the law; and none can save except the prince."

25. (4.) The supreme power is above the laws, because he can dispense,—he can interpret them,—and he can abrogate them,—he can in time of necessity govern by the laws of reason without any written law,—and he is the judge of the necessity. Thus the kings of Israel had power over the judicial laws, though of the Divine sanction. For God forbade that the corpse of a malefactor should hang after sunset upon the accursed tree; but yet Maimonides says that the king "suspendit et relinquit suspensos diebus multis;" "he hangs them, and leaves them hanging for many days;" when it is necessary by such terror to affright the growing impiety of wicked men; that is, when the case was such, that the laws were capable of equity or interpretation. For this was not merely an effect of his power, but of his reason too. It was a custom among the Jews to condemn but one person in one day, unless they were in the same crime, as the adulterer and the adulteress; but the king might condemn many at once, when it was for the interest of justice and the republic. Thus their king could by the prerogative of his majesty, proceed summarily, sit in judgment alone without assessors, condemn upon the testimony of one, and by the confession of the party; which the sanhedrim might not do, but were tied to acquit him that confessed the fact. Add to these,[a] the supreme can in some cases be judge and witness; that is, can himself condemn a criminal for what himself only saw him do. He can also be judge in his own case; as if he be injured, railed upon, defrauded, or the like; all which are powers above the law, and here were to be named for the understanding of the present rule: but how they are to be conducted is of distinct and special consideration, and to be reserved to their proper places. I end this whole inquiry with that of Statius,

> —— quid enim terrisque poloque
> Parèndi sine lege manet? vice cuncta geruntur,
> Alternisque premunt propriis sub regibus omnis
> Terra: premit felix regum diademata Roma:
> Hanc ducibus frænare datum: mox crescit in illos
> Imperium superis ——

"There is nothing in the earth but is under a law and tied to obedience: all the earth are under kings, and the kings are under the Romans, and the Romans under their princes, and their princes under God," who rules them by his own laws, and binds them to rule by their country's laws, and ties them to do justice, and is pleased when they show mercy. But as they are to do justice by the sentence of the

[z] 1 Kings ii. 26.

[a] Vani capitis est existimare superiorem non posse evocare sine causæ cognitione. Innoc. in cap. ad aures de Temp. Ord.

laws, so they must not show mercy against law; for even the prerogative of kings is by law, and kings are so far above their laws, as the laws themselves have given leave. For even the ἄφεσις ἀκριβείας ἐν δέοντι, "the remission of the rigour of the law," the very chancery and ease of laws, is by law established.

RULE III.

It is not lawful for Subjects to rebel, or to take up Arms against the supreme Power of the Nation, upon any Pretence whatsoever.

1. WHEN Nehemiah was deputed by Artaxerxes to be governor of Judea, and had commission to rebuild Jerusalem and the temple, the neighbour-kings that opposed him were enemies to Artaxerxes, because Nehemiah was lieutenant to the king. "He that despiseth me, despiseth him that sent me," saith our blessed Saviour.—"Senatus faciem secum attulerat, auctoritatem reipublicæ," said Cicero, of one that was deputed and sent from the senate; "He had the gravity of the senate and the authority of the commonwealth." Now this being true of the supreme power in every government, that it is "potestas Dei vicaria," "it is the minister of God," appointed by him, set in his place, invested with a ray of his majesty, intrusted with no power but his, representing none but him, having received the sword from his hand, the power of life and death from his warranty; it must needs follow, that he who lifts up his hand against that supreme person or authority that God hath appointed over him, is impious against God, and fights against him. This the apostle expressly affirms, and there need no more words to prove the rule, "He that resists, resists the ordinance of God;" he does not say, "He that does not obey, is disobedient to God," for that is not true. Sometimes it is necessary not to obey, as it happened to the captive Jews under Nebuchodonosor, and to the apostles under their princes; they could not obey God and them too: and then the case of conscience was soon resolved. But they that could not obey, could die; they could go into the fire, suffer scourgings and imprisonments, that was their ἓν μέγα, their great sanctuary; which in behalf of the christians Gregory Nazianzen thus expresses: Ἓν ἔχω πρὸς πάντα φάρμακον, μίαν ὁδὸν εἰς νίκην (ἐν Χριστῷ καυχήσομαι) τὸν ὑπὲρ Χριστοῦ θάνατον, "I have but one remedy against all my evils, one way to victory, thanks be to Christ, I can die for him:" that is, ὑποτάσσεσθαι καὶ μὴ ἀντιτάσσεσθαι, to obey where they can,—and where they cannot, to be sure to lie down under the burden which they cannot carry. For though in some cases it is lawful not to obey, yet in all cases it is necessary not to resist.

2. I do not know any proposition in the world clearer and more certain in christianity than this rule, and therefore cannot recount any greater instance of human infirmity than that some wise men should be abused into a contrary persuasion. But I see that interest and passion are always the greatest arguments, where they are admitted. But I have an ill task to write cases of conscience, if such things as these shall be hard to be persuaded: for there are very few things in which any man is to hope for half so much conviction, as in this article lies before him in every topic; and if I should determine no cases but upon such mighty terms as can be afforded in this question, and are given, and yet we prevail not, I must never hope to do any service to any interest of wisdom or peace, of justice or religion. And therefore I am clearly of opinion that no man, who can think it lawful to fight against the supreme power of his nation, can be fit to read cases of conscience; for nothing can ever satisfy him, whose conscience is armour of proof against the plain and easy demonstrations of this question. But this question is of the same nature as all clear and necessary truths, never obscure, but when it is disputed; certain to all men and evident, if they will use their own eyes; but if they call for glasses of them that make a trade of it, it may chance not to prove so. But I will speak of it with all easiness and simplicity.

3. (1.) The Scripture[b] is plain; "Curse not the king, no not in thy thought:"—*and*, "I counsel thee to keep the king's commandment, and that in regard of the oath of God—for he doth whatsoever pleaseth him. Where the word of a king is, there is power, and who may say unto him, What dost thou? Against him there is no rising up." There are many more excellent words in the Old Testament to this purpose; but nothing can be plainer than these, dogmatically to establish the doctrine of the rule. No man can question him; no man may rise up against him; he hath power; he hath all power; we are, by the law or the oath of God, bound to keep his commandment; and after all, we must not reproach him in our secret thoughts. No man needs this last precept but he that thinks the king is an evil man, or hath done wrong; but suppose he have, or that he is supposed to have, yet curse him not, "Do not slight him," so it is in the Hebrew:[c] "Regi ne detrahas," so it is in the vulgar Latin, "Disparage not the king:" but the Chaldee paraphrase adds, "Even in thy conscience, in the secrets of thy heart, speak not evil of the king, and in the closets of the chambers of thy house speak not evil of the wise man; for the angel Raziel does every day from heaven cry out upon the mount of Horeb, and his voice passes into all the world: and Elihu, the great priest, flies in the air of heaven like a winged eagle, and tells the words, which are spoken in corners by all the inhabitants of the earth." By the way I only observe this, that we are forbidden to speak evil of the rich or the mighty man, the wise man, so the Chaldee calls him, that is, the princely men of the world, the magistrates and nobles, whom St. Peter calls τοὺς ἡγεμόνας διὰ βασιλέως πεμπομένους, "captains or rulers sent by the king:" of these we must say no evil in our private houses, lest a bird of the air, lest that which hath wings, that is, lest the angel that attends us, orders it so as to

[b] Eccl. x. 20. viii. 2, 3. Prov. xxx. 31.

[c] מלך אל תקלל

pass into publication: for the government of the other world reaches strangely even to us, and we speak not a word in vain, but by the Divine Providence it is disposed to purposes that we understand not. But when he speaks of the king or the supreme, whom St. Peter calls *τὸν ὑπερέχοντα*, then it is, *Μὴ καταράσῃ τὸν βασιλέα ἐν τῇ συνειδήσει, μηδὲ ἐν κρυπτῷ τῆς καρδίας*, "Call him not accursed in thy heart, not so much as in thy thought;"—which because it is only perceived by God, who is the searcher of the heart, it shows plainly that as angels take care of the rich and the wise, the mighty and the nobles, so kings are the peculiar care of God, who is the King of kings and the Lord of lords. But then (to leave all curiosities) if we may not speak or think reproachfully of the king, we may not do that which is more, and that which is worse: and I think there needs no more to be said. But it is as clear as the day.

4. In the New Testament, sufficient are the excellent words of our blessed Saviour, *μὴ ἀντιστῆναι τῷ πονηρῷ*, "not to resist evil,"—that is, not to stand against it, not to oppose evil to evil; which obliges all christians, that, at least without the magistrate, they cause no return of evil to the offending person, that no man be his own avenger, for vengeance belongs to God, and he hath delegated that to none but to the supreme magistrate, who is *Θεοῦ διάκονος ἔκδικος εἰς ὀργὴν*, "God's minister to be a revenger of wrath under him." Now if no man must pay evil to his brother, that hath injured him, but by the hand of the supreme power,—how can it be possible that it can be lawful to render evil for evil to the supreme power itself? by whose hands shall that be done? by none but by his superior, who is God alone, who will take care to punish evil kings sufficiently: only we must not do it; we must not pray him to do it: for that is expressly against the words of Solomon, that is, "cursing the king in our thought," and not at all to be done. But besides this, there are many more things spoken by our blessed Lord to determine us in this affair. "Render to Cæsar the things that are Cæsar's;"—and to Pilate Christ said, "Thou shouldest have no power over me, unless it were given thee from above;"—meaning, that Cæsar's power, whose deputy Pilate was, was derived from God, and consequently that except God, none is greater upon earth than Cæsar:—and again, "If my kingdom were of this world, my servants would fight for me;" which plainly enough confirms the power of the militia in the supreme magistrate, Christ leaving it where he found it.

5. But that there may be no dispute concerning these things, the apostles, who are expounders of the words of Christ, and the meaning of his Spirit, tell us plainly, *μὴ ἀντιτάσσεσθαι*, "to be subject," *ἐξουσίαις ὑπερεχούσαις*, "to supreme powers;"—the same with St. Peter's *βασιλεῖ ὡς ὑπερέχοντι*, "to the king as to the supreme,"—that is, to the king, if he be a king indeed, if he be the supreme; to be the subject to these powers, and not to resist, for these reasons: 1. Because this supreme power is ordained of God: 2. Because he that resists, resists God, whose minister the prince is: 3. Because God hath armed the powers, which he ordained, with a sword of power and revenge: 4. Because it is for our good, that we submit to him; for he is God's minister for good, that is, for the public good, under which thine is comprehended: 5. Because it is necessary; the necessity being apparent in the nature of the thing, and in the commandment of God: 6. Because God hath bound our conscience to it: 7. He hath tied this band upon us with fear also: and, 8. lastly, Because whoever does not obey where he may lawfully, and whosoever does in any case resist,—shall receive damnation to himself both here and hereafter; here upon the stock of fear,—hereafter upon the account of conscience, for both for fear and for conscience we must obey in good things and lawful, and we must not resist in any. For indefinitely we are commanded not to resist, without any distinction or reservation of case: and "Ubi lex non distinguit, nemo distinguere debet." He that will go about to be wiser than the law, in equity, will not be better than a fool. This therefore is the sum of St. Paul's discourse.[d]

6. St. Paul was the doctor of the gentiles, St. Peter of the Jews;—and therefore this doctrine is sufficiently consigned to all the world: for St. Peter[e] hath preached this as largely as St. Paul; "Submit yourselves to every ordinance of man, for the Lord," that is, for his sake, upon his commandment, for his honour; these ordinances being God's ordinances, *ὑπὸ Θεοῦ τεταγμέναι*, "they are ordained by God," all of them, the king principally,—his captains and officers, which he hath sent, in the next place. But him and his ministers we must receive and honour and obey, and submit to them; for it is God's case and his ministers; God and his ministers and lieutenants, the king and his. He that despises him whom the king sends, despises the king; and he that despiseth him whom God sends, or makes his deputy, despises God. Submit therefore, for it is the will of God; submit, for this is "well doing;" submit, for so "we shall put to silence the ignorance of foolish men;" meaning, that since the enemies of Christ are apt to speak evil things of you, glad would they be, if they had cause to accuse you for not being obedient to government; and some are ignorant, and foolishly pretend the liberty and privileges of saints against the interests of obedience; the mouths of these men must be stopped, and you must submit to kings, that you may please God and confute the adversaries. Now the specification of this great duty, and the particular case of conscience, follow: "Fear God, honour the king:"—"Servants be obedient to your masters; not only to the good and gentle, but also to the froward." *Τοῦτο γὰρ χάρις*, "for this is thankworthy:" and this is full to the question in hand. For the general precept which St. Peter gave, is, *Ὑποτάγητε πάσῃ ἀνθρωπίνῃ κτίσει*, "Submit to every ordinance," to the king, to his magistrates or deputies, and captains, and lastly, submit to the lowest of all dominions, even servants to their masters; not only to the good and gentle, but to the morose and harsh.

[d] Rom. xiii. per totum. [e] 1 Pet. ii. 13–17.

Now if so to inferior masters, whose dominion is no greater than their interest, and their interest is no greater than their price, and is still under the power of kings; much more to kings or to the supreme power. And indeed even subjection to kings is the gentlest and most eligible kind of service. "Then would my servants fight," said Christ, meaning it of the subjects of his kingdom:—and Livy calls "populum Romanum servientem regibus," they did "serve" their kings. And indeed as the governments of the world then were, kings were most absolute, and the people entirely subject, and far from liberty: and therefore this of servants might very well be a specification and a particular of their duty to kings and captains; and whether it were or no, it is for the former argument, "from the less to the greater affirmatively," infinitely certain, that the same duty is due to kings, though harsh and cruel: for indeed there were then none else; Nero was the supreme, and he was none of the best that ever wore purple.

7. It were very easy to draw forth more arguments from Scripture to this purpose; but I forbear to name more than this abundance, which is contained in these now cited: but I shall not omit to observe, that the apostles did make use of that argument which I urged out of Solomon, that "we are not to speak evil of the king;" from whence the unlawfulness of resisting is unanswerably concluded: for St. Jude,[f] giving the character of the worst of men, and the basest of heretics, reckons up in the bill of their particulars, that "they despise dominion, and speak evil of dignities;" which as it is an infallible mark of an evil person, so it is a using of a prince worse than St. Michael the archangel durst use the devil; against whom, because he was a spirit of a higher order, though foully changed, he durst not bring a railing accusation, κρίσιν βλασφημίας, "a judgment or accusation with blasphemy in it:" for all evil language of our superior is no better than blasphemy; "he did blaspheme God and the king," was the crime pretended against Naboth.

8. If, from the plain words of Scripture, we descend to the doctrine and practices of the church of God, we shall find that all christians, when they were most of all tempted, when they were persecuted and oppressed, killed and tormented, spoiled of their goods, and cruelly and despitefully used, not only did not rebel, when they had power and numbers, but professed it to be unlawful. But this I shall draw into a compendium; because it being but matter of fact, and the matter in scripture being so plain that it needs no interpretation, the practice and doctrine of the church, which are usually the best commentary, are now but of little use in a case so plain. But this also is as plain itself, and without any variety, dissent, or interruption, universally agreed upon, universally practised and taught, that let the powers set over us be what they will, we must suffer it, and never right ourselves. Tertullian boasts with confidence, that when Pescennius Niger in Syria, and Clodius Albinus in France and Brittany rebelled against Septimius Severus, a bloody and cruel emperor, and pretended piety and public good,—yet none of the christians joined with either. The Theban legion in the eighteenth year of Diocletian suffered themselves to be cut in pieces every man, six thousand six hundred sixty and six in number, by Maximianus the emperor; no man in that great advantage of number, and order, and provocation, lifting up their hands, except it were in prayer: of these Venantius Fortunatus[g] hath left this memorial.

Queis, positis gladiis, sunt arma è dogmate Pauli,
Nomine pro Christi dulcius esse mori.
Pectore belligero poterant qui vincere ferro,
Invitant jugulis vulnera cara suis:

"They laid down their weapons and lift up their arms; they prayed and died in order: and this they did according to the doctrine of St. Paul." But when Julian was emperor, and apostate from his religion, a great persecutor of the christians, and who by his cruelty (as Nazianzen[h] observes) brought the commonwealth in danger, though his army did most consist of christians, yet they had arms for him, but none against him, save only that, by prayers and tears, they diverted many of his damnable counsels and designs. But the particulars are too many to recite what might be very pertinent to this question from antiquity. I shall therefore serve the interest of it as to this topic by pointing out the writings of the ancient doctors, where they have given testimony to this great article of our religion.[i]

9. After him succeeded (Sabianus being interposed for one year only) Boniface III. who obtained of Phocas to be called universal bishop: since when, "periit virtus imperatorum, periit pietas pontificum," says one, "the kings lost their strength, and the bishops lost their piety;" yet in the descending ages, God wanted not many worthy persons to give testimonies to this great truth and duty. Such were Stephen VI.;[k] Gregorius Turonensis;[l] Fulgentius;[m] Damascen;[n] Leo IV.;[o] St. Bernard.[p]

10. Now it is very observable, that in the suc-

[f] Jude 8.
[g] Biblioth. Patrum. tom. 8. edit. Binian.
[h] Orat. 1. in Julian.
[i] Which who please may find in S. Clement. constit. l. 7. c. 17. S. Irenæus, lib. 5. Advers. hæres. c. 20. Justin Martyr, Apolog. 2. ad Antonin. Imperatorem, Tertullian ad Scapulam, et Apolog. adv. Gent. cap. 20. S. Cyprian ad Demetrianum, Hosius apud. Athanas. ad solitariam vitam agentes, Liberius ibid. S. Hilary ad Imperat. Constantium, S. Athanasius ad Antioch. quæst. 55. et Apolog. ad Constant. vide etiam factum Basilii in Monodia Nazianz. inter opuscula Basilii, Nazianzen. 2. orat. contr. Julian. Optatus Milevitanus, lib. 3. cont. Parmen. S. Chrysostom. orat. 2. ad pop. Antioch. tom. 6. edit. Savil. et in I Timoth. c. 2. v. 1. St. Ambrose, Epist. 33. ad Marcellinam, S. Cyril. in Evang. Johan. l. 12. c. 36. S. Hieron. comment. in 2 Dan. S. Augustin. lib. 4. de civit. Dei, c. 33. et lib. 5. c. 21. et in Psalm 124. et Epist. 54. ad Macedon. et tract. 6. in Johan. Anastasius P. Epist. unic. ad Anastasium Imper. Symmachus P. ad eundem Anast. Imp. Leo. P. ad Leonem Imperat. et epist. 13. ad Pulcheriam, S. Gregor. Mag. Epist. l. 7. ep. 1.
[k] Apud Baronium, tom. 10. A. D. 885. n. 11.
[l] Hist. lib. 5. cap. 1. Concil. Toletan. 5. can. 2. et Concilium Toletan. 6. c. 14.
[m] Parallel. ad Thrasimundum Regem.
[n] Parallel. l. c. 21. V. Bede, lib. 4. expos. in Samuel.
[o] Cap. de Capitulis. dist. 15.
[p] Epist. 221. to Louis le Gros: vide etiam epist. Walthrami Epis. Nanumberg. quæ habetur in appendice Mariani Scoti.

cession of about six ages, in which the holy doctors of the church gave such clear testimony of the necessity of obeying even the worst princes, and many thousands of holy christians sealed it with their blood, there was no opposition to it; and none of any reputation, no man of learning, did any thing against the interest or the honour of princes, excepting only (so far as I have observed) Lucifer Calaritanus, who indeed spake rude and unbeseeming words of Constantius the Arian emperor; but that he may lessen nothing of the universal consent to this doctrine, St. Ambrose [q] does lessen very much of his reputation, saying, that though he was with the true believers banished for religion, yet he separated himself from their communion. But in the next period, I mean after Gregory the Great, it was not unusual for the bishops of Rome to stir up subjects to rebel against their princes, and from them came the first great declension and debauchery of the glory of christian loyalty and subjection to their princes; witness those sad stories of Pope Gregory VII. Pope Urban, and Paschal, who stirred up the emperor's son against the father. I speak it to this purpose, because it produced an excellent epistle from the churchmen of Liege in behalf of the emperor and of their bishop, who with his chapter was excommunicated for adhering to his loyalty, and Robert earl of Flanders commanded by the pope to destroy him and all his priests. But, in behalf of princes and the duty of subjection to them, many excellent things were spoken, divers judgments of God fearfully falling upon rebellious people are recited, not only in that epistle of the clergy of Liege, but in the life of Henry IV. emperor.[r] From all these fathers and ancient authors now cited, "magnum mundo documentum datum est," (that I may use the words of the author of the book last cited,) "a great instruction and caution are given to the whole world, that no man rise up against his prince." For all these authors give clear and abundant testimony to these truths, that the power of the supreme magistrate is immediately from God,—that it is subject to God alone,—that by him alone it is to be judged,—that he is the governor of all things and persons within his dominions,—that whosoever speaks reproachfully of him cannot be innocent,—that he that lifts up his hand against him strikes at the face of God,—that God hath confounded such persons, that, against the laws of God, and their own oaths, and the natural bonds of fidelity, have attempted to spoil their supreme lords,—that Herman and Egbert, that did so, were confounded for so doing, as though they had never been,—that Rudolphus had his hand cut off and felt divers other of the Divine judgments for this impiety.—And this being the constant universal doctrine of the church of God for twelve hundred years, and this derived from the plain, the express, the frequent sayings and commandments of God in the Old and New Testament, declared by his prophets and apostles, and by his most holy Son himself, nothing can with greater certainty determine and conduct our conscience than this rule. For the confirmation of which I remember St. Bernard tells a pretty little story, in a sermon upon these words of Christ, "I am the vine:" "Benè quidem rex cùm percussus hamatâ sagittâ," &c. "It was well said of a king, who being wounded with a barbed arrow," they that were about him desired he would suffer himself to be bound till the head were cut out, because the least motion irregular would endanger his life: he answered, "Regem ligari nullo modo decet," "A king must at no hand be bound;" let the king be ever safe, but let his power be at liberty. I end this topic with the words of St. Austin [s] and of the sixth council of Toledo, "Non tribuamus dandi regni atque imperii potestatem nisi vero Deo," "Let us attribute the power of giving the right of empire to none but to the true God alone."—"Ille unus verus Deus qui nec judicio nec adjutorio deserit genus humanum, quando velit et quantum voluit, Romanis regnum dedit: qui dedit Assyriis, vel etiam Persis; qui Mario, ipse Caio Cæsari; qui Augusto, ipse Neroni; qui Vespasiano, vel patri vel filio, suavissimis imperatoribus, ipse et Domitiano crudelissimo; et ne per singulos ire necesse sit, qui Constantino Christiano, ipse apostatæ Juliano. Hoc planè Deus unus verus regit, et gubernat, ut placet:" "The one true God, who never leaves mankind destitute of right and help, hath given a kingdom to the Romans, as long as he please and as much as he please. He that gave the supreme power to the Assyrians, he also gave it to the Persians. He that gave it to Marius a common plebeian, gave it to Caius Cæsar who was a princely person. The same authority he gave to Nero that he gave to Augustus; he gave as much power and authority to the most cruel Domitian, as he gave to Vespasian and to Titus the gentlest and the sweetest princes; and to be short, he gave the authority to Constantine the christian, and the same afterwards to Julian the apostate; for this great affair he rules and governs as he please."

11. But all this is no more than what natural and necessary reason does teach all the world: "Hanc Deus et melior litem natura diremit." For this which I have alleged from the fathers, is properly a religious reason, "It is God's power which is in the supreme magistrate, whether he be good or bad: therefore whoever rebels, rebels against the power and dispensation of God;" and to this there is nothing reasonable to be opposed. But then that which I am now to say, is derived to us by the reason that every man carries about him, by the very law of nature,

> Naturam vere appello legem Omnipotentis
> Supremique Patris, quam primâ ab origine rerum
> Cunctis imposuit rebus, jussitque teneri
> Inviolabiliter.———

By the law of nature I mean the prime law of God, which he unalterably imposed upon all men in their

[q] Orat. in Obit. Fratr. Satyri.

[r] In fasciculo rerum sciend. published at Cologn. apud Simon. Scard.

[s] Lib. 5. de Civit. Dei. cap. 21.

first creation, that by reason and wise discourses they should govern themselves in order to that end, which is perfective of human nature and society. The law of nature is the law of God, which is reasonable and necessary to nature: now by this law or necessary reason we find it very fit, that we should divest ourselves of the practice and exercise of some rights and liberties which naturally we have. So Aristotle[t] observes: "Homines abductos ratione multâ præter mores et naturam agere, si aliter agi melius esse sibi persuaserint," "Men do some things against their natural inclination, if by natural reason they find it best to do so." Now nature, having permitted every man to defend himself as well as he can, against violence, did, by an early experience, quickly perceive, that few men had power enough to do it against every violent man; and therefore they drew into societies, gathered their strength, and it was put into the hands of them, who by a joined strength could, and by promise and interest and duty would, do it: and by this means the societies had peace, and might live quietly. Now the natural consequent is this, that if all our power is united and intrusted to one head, we must not keep it in our hands. If the supreme power be the avenger, we must not meddle; if he be judge, we must submit, for else we are never the nearer to peace. For when we were so many single persons, we were always in war, but by unity and government we come to peace: therefore whatever we could do alone, we having put into the common stock, our natural right of defence is in the public hand, and there it must remain for ever; and we are to be defended by the laws, and they only are now the ministries of peace. This is St. Paul's[u] argument, "I exhort that prayers and supplications be made for all men; for kings and all that are in authority, that we lead a quiet and a peaceable life in all godliness and honesty:" plainly implying, that the security and peace of societies depend upon the power and authority of kings and persons in eminency and trust: for none must make war, but he that does it for all men's interest; and therefore it is peace with all that are under government: but then that which is designed to keep peace, must feel no war from them, whom it is designed to keep in peace, that they may not feel the evils of war. If government be necessary, it is necessary that we should obey it; if we must obey it, we must not judge it; if we must not judge it, we may not endeavour to punish it; and there is nothing in the world a greater destruction to its own ends, than the resisting or rebelling against government; because if we be above it, how are we subjects? if subjects, how are we its judges? if no judges, how can we be avengers? if no avengers, why are we not quiet and patient? If we be not above, we are below; and therefore there let us abide: but if we be above, then we are the supreme power; and then it is all one. That which is said all this while concerns the subjects, and not the supreme, to whom, by our natural necessities, by a general contract of mankind, by the law of nations, by the command of God, and by the civil laws of all republics, the subject is bound, and does owe obedience and maintenance, and honour and peace. "Generale pactum est societatis humanæ obedire regibus suis," said St. Austin,[x] "It is a covenant that all mankind have agreed in, to be obedient to their kings."

12. But all this is true: but since kings are for defence and justice, for good and not for evil, for edification and not for destruction, good kings must be obeyed; but what if they be evil and unjust, cruel and unreasonable, enemies of their people, and enemies of mankind?

13. This is that I have been saying all this while,—that let him be what he will, if he be the supreme, he is superior to me, and I have nothing to do, but something to suffer; let God take care, if he please, I shall be quickly remedied; till then I must do as well as I can. For if there be any case, in which the subjects may resist, who shall be judge of that case? can this case be evident and notorious? and does it always consist in "indivisibili?" If it does not, then many things are like it; and who can secure that the subjects shall judge right? For if they were infallible, yet who will engage that they will not do amiss? what warranty have we against the ambition, and the passion, and the interest of the reformers of supreme powers? And is it not better to suffer inconvenience from one than from every one that please? But if you allow one case, you must allow as many as can be reduced to it; and who is not witty enough against governors, to find excuses enough to bring them down?

14. (2.) What remedy is there, in case the supreme power be ill administered? will not any remedy bring greater evils than the particular injustices which are complained of? It was well said of Xenophon,[y] Ὅστις ἐν πολέμῳ ὢν στασιάζει πρὸς τὸν ἄρχοντα, πρὸς τὴν ἑαυτοῦ σωτηρίαν στασιάζει, "He that opposes his general and prince, opposes his own safety." For consider, what order can be in a family, if the boys rule their fathers and rebel against their command? How shall the sick be cured, if they resist the advice and prescriptions of the physicians? And they that sail, are like to suffer shipwreck, if the boatswain and the swabbers and the boys shall contradict the master. So it is impossible that there can be safety in a commonwealth, if they who are appointed to obey, should offer to rule. Φύσει γὰρ ἀναγκαῖά τινα καὶ σωτήρια τῷ μὲν ἄρχειν ἐν τοῖς ἀνθρώποις, τῷ δὲ ἄρχεσθαι, τέτακται, "For by nature it is necessary and profitable and ordered accordingly, that one should rule and the rest should be obedient."

15. And therefore, these wild cases are not to be pretended against that, which natural reason and natural necessity have established. We cannot suppose a king, that should endeavour to destroy his kingdom. We may as well suppose a father to kill his children, and that therefore, in some cases, it may be lawful for children to rebel against their fathers, turn them out of door, and as they see occasion, cut their throats, that the inheritance may be theirs. Whom can we suppose worse than Julian,

[t] Polit. 7. cap. 13. [u] 1 Tim. ii. 2. [x] Lib. 3. Confess. cap. 8. [y] Dion. Cassius.

than Domitian, than Nero? and yet these princes were obeyed, and did never proceed to the extremity of such desperate hostilities: nay Nero, as bad as he was, yet when he was killed, was quickly missed; for, in a few months, three princes succeeded him, and there was more blood of the citizens spilt in those few months than in Nero's fourteen years. And who please, both for their pleasure and their instruction, to read the encomium of Nero written by the incomparable Cardan, shall find that the worst of princes do much more good than they do harm. But, "semper corpori grave est caput," "the head always aches, and is a burden to the shoulders," and we complain much of every little disorder. Put case a prince by injustice do violence to some of his subjects, what then? "Qui unum, qui plures occidit, non tamen reip. læsæ reus, sed cædis," said Seneca; "It is not the killing of some citizens that destroys the commonwealth:" and there are not many princes that proceed so far as to do open and professed wrong to the lives of their subjects; but many subjects have done violence, open and apparent, to the lives of their princes; and yet the subjects are aptest to complain. "Quis princeps apud nos regnavit è vicecomitum aut Sforziadum familiâ, quem non aliquis civis noster, etiam sine causâ, sed solâ ambitione, ferro aggressus sit? pauci certè;" "Which of our princes of such and such a family hath not been set upon to be murdered by some of their subjects, without cause, but merely out of ambition? very few." And he that reads Hector Boethius's History of Scotland, may say as much as Cardan, and for a long time. Every man complains of kings and governors; we love them not, and every little thing makes him a tyrant: but it is in this case as in the case of women, says Albericus Gentilis; "we cannot be without them,—and yet we are not pleased, when we are tied to them." If any such thing could happen, that a king had a mind to destroy his people, by whom should he do it? He alone can hardly do it; and he could hardly arm his people against themselves. But what should he get by it? he cannot be so unreasonable: but suppose it, what then? "Oppression will make a wise man mad," saith Solomon: and there are some temptations bigger than a man's strength; and this would be one of them, and the people would be vexed into the sin of rebellion; and then, it may be, God would cut him off, and punish the people; and here would be calamity enough in this whole intercourse, but nothing lawful. For we have nothing dearer to us than our lives and our religion: but, in both these cases, we find whole armies of christians dying quietly, and suffering persecution without murmur. But it cannot be done, it cannot easily be supposed, that an evil prince should be otherwise than one that is cruel and unjust, and this to fall upon some persons: for let him be lustful, he shall not ravish the commonwealth; and if he be bloody, his sword cannot cut off very great numbers; and if he be covetous, he will not take away all men's estates: but if a war be made against him, these evils will be very much more universal; for the worst of princes that ever was hath obliged a great many, and some will follow him out of duty, some for fear, some for honour, and some for hopes; and then as there is no subject that complains of wrong, but he hath under the government received more right than wrong, so there is none that goes to do himself right, (if that be all he intends, and not covetous and ambitious designs,) but in the forcing it he will find more wrong than right.

16. (3.) But I demand, "Are there no persons, from whom if we receive wrong we must not be avenged of them?" To a christian it had been a more reasonable inquiry, whether there be any persons of whom we may be avenged. Certainly there are none of whom we may be avenged without the aid or leave of the public power. But what if our father do us wrong? may we strike him? Ὀργὴν πατρὸς φέρειν, "To bear our father's unjust wrath," was one of the precepts the young man of Eretria had learnt of Zeno: and what then if we be injured by the public father? "Magno animo regis, vehit parentis contumeliam tulit;" it was said of Lysimachus; "Et ut parentum sævitiam, sic patriæ patiendo ac ferendo leniendam esse," said Livy. "If we must bear with our fathers, so also with our princes."—"Vi quidem regere patriam aut parentes, quanquam et possis, et delicta corrigas, importunum est," said Sallust;[z] "Though it were in your power, though you might reform some evils, yet to rule your parents or your prince by force is not reasonable."—And it was an excellent saying which Cicero had from Plato:[a] "Tantum contendere in republicâ, oportet, quantum probare tuis civibus possit, vim neque parenti neque patriæ afferri oportere. Id enim Plato jubet, quem ego vehementer sequor: et qui hanc causam sibi fuisse ait reipublicæ non attingendæ, quod cum offendisset populum Atheniensem prope jam desipientem senectute, cumque eum nec persuadendo nec cogendo regi posse vidisset, cum persuaderi posse diffideret, cogi fas esse non arbitraretur;" "To contend and fight in a commonwealth can never be approved by the citizens: strive so much as you can justify: but you must offer force neither to your parents nor to your country; that is, the supreme government of your country. And when Plato saw the people of Athens almost doting with age, he despaired of prevailing upon them by persuasion; but yet to compel them by force he concluded to be impious." But can any man lose by patience? hath it no reward? or is there no degrees of council in it? that is, Is not some patience acceptable, though it be not necessary? shall it have no reward, if it be more than we are bound to? If it shall be rewarded, though it be greater than is simply necessary, then it is certain, that whatever we suffer under evil princes, to be quiet and peaceable is infinitely better than to resist: for that shall have a good reward: this seldom misses an ill one. But if there be no counsel, no degree of uncommanded patience, then all patience is necessary; for it is certain none is sin: for Christ was glorified by suffering the greatest injuries, and his martyrs have trodden the same way

[z] Bell. Jugurth.

[a] Lib. 1. Fam. Ep. 9.

of the cross; and so must we, if God calls us to it, if we will be his disciples.

17. (4.) But again I consider, Does every subject, that is a wicked man, forfeit the right in his estate, otherwise than law appoints? Is dominion founded in grace? or is it founded in law and labour, in succession and purchase? And is it not so in princes? with this only difference, that their rights of government are derived from God immediately; for none but he can give a power of life and death: can therefore any one take away what they did not give? or can a supreme prince lose it by vice, who did not get it by virtue, but by gift from God? If a law were made to divest the prince of his power in case of ill government, then he were not the man I mean, he is not supreme but subordinate, and did rule precariously, that is, as long as his superior judges will give him leave. But for the supreme he is sacred and immured, just as the utmost orbs of heaven are uncircumscribed; not that they are positively infinite, but because there is nothing beyond them: so is the supreme magistrate, nothing is above him but God: and therefore in this case, we may use the words of Livy; "Si quis adversus ea fecisset, nihil ultra quam improbè factum adjecit lex;" "If he does any thing against reason and justice, there is no more to be said but that it was ill done." But if he does not do his duty, that is no warranty for me not to do mine; and if obedience and patience be a duty, then the one is as necessary, and the other is more necessary when he does not do what he ought. And after all, the supreme power in every christian republic hath no power to kill a subject without law, nor to spoil him of his goods. Therefore neither can a subject kill or exauctorate the supreme at all; for there is no law to do it: and if he be the supreme power, he is also lawgiver, and therefore will make no such law against himself; and if he did, he were neither wise nor just.

18. Either then stop all pretences, or admit all. If you admit any case, in which the subjects may fight against their prince, you must admit every case that he will pretend who is the judge of one. But because government is by God appointed to remedy the intolerable evils of confusion, and the violence and tyranny of every strong villain, we must keep ourselves there: for if we take the sword, or the power, or the legislation, or the judicature, or the impunity, from the supreme, we return to that state of evil from whence we were brought by government. For certain it is, all the personal mischiefs and injustices done by an evil prince, are infinitely more tolerable than the disorders of a violent remedy against him. If there be not a "dernier resort," or "a last appeal" fixed somewhere, mischiefs will be infinite; but the evils that come from that one place, will soon be numbered, and easier suffered and cured.

19. It were easy to add here the sentences of the wise heathen to this very purpose; for though religion speaks loudest in this article, yet nature herself is vocal enough: but I have remarked some already occasionally, to the some sense with that of Tacitus, "Imperatores bonos voto expetendos, qualescunque tolerandos:" so the wiser Romans at last had learnt their duty. The same also was the sentence of the Greeks;

Τὰς τῶν κρατούντων ἀμαθίας χρεὼν φέρειν. EURIP.

"We must patiently suffer the follies of our rulers."
—So did the Persians.

—— quamvis crudelibus, æque
Paretur dominis. CLAUDIAN.

"Though the lords be cruel, yet you must obey them as well as the gentle."—But I am weary of so long telling a plain story. He that is not determined by these things, I suppose, will desire to see no more. But if he does, he may please to see many more particulars in Barclay, in Grotius, in Monsieur de la Noue, in Albericus Gentilis, in Scipio Gentilis, in Bishop Bilson, in Petrus Gregorius and Bodinus. I conclude,—Many supreme princes have laid aside their kingdoms, and have exchanged them for honour and religion; and many subjects have laid aside their supreme princes or magistrates, and have exchanged them for liberty and justice. But the one got, and the other lost: they had real advantages; and these had words in present, and repentance in reversion.

RULE IV.

The supreme civil Power is also supreme Governor over all Persons, and in all Causes ecclesiastical.

1. IF this rule were not of great necessity for the conduct of conscience, as being a measure of determining all questions concerning the sanction of obedience to all ecclesiastical laws, the duty of bishops and priests to their princes, the necessity of their paying tribute, and discharging the burdens and relieving the necessities of the republic, I should have been unwilling to have meddled with it; because it hath so fierce opposition from the bigots of two parties, the Guelphs and the Ghibellines, from Rome and from Scotland, from St. Peter and St. Andrew, the papist and the presbyterian: and they have placed all their great interest and their greatest passions upon this question, and use not to be very kind to any man that shall at all oppose them.

2. From the church of Rome we have many learned men, servants of the pope, who affirm, that all government ecclesiastical belongs to him; that he only can make laws of religion,—that in that he hath a compulsory over kings, who are his subjects, dependant upon him, by him to be commanded in matters of religion;—to which all temporalities are so subordinate, that if not directly, as some of them say,—yet indirectly, as most of them say, "in ordine ad spirituale bonum," "for the good of the church and of religion" he can dispose of them. The great defenders of this doctrine are, Bellarmine[a] and Ba-

[a] De Pontif. Rom. lib. 2. cap. 17.

ronius,[b] Harding[c] and Eudæmon Johannes,[d] Fevardentius[e] and Mariana,[f] Boucher[g] and Ficklerus,[h] Alexander Carerius[i] and D. Marta,[k] Doleman,[l] and generally the Jesuits, and all the canonists.

3. On the other side, the presbytery pretends mightily to the sceptre of Jesus Christ, as the pope does to the keys of St. Peter, and they will have all kings submit to that; as there is all the reason in the world they should: but, by this sceptre of Christ, they mean their own classical meetings, and the government that themselves have set up the other day; to which the first inventor of it was at first forced pitifully to beg suffrages of allowance, and that it might be endured; but as ill weeds use to do, it quickly grew up to that height, that, like the bramble, it would be king, and all the birds and beasts must come under the shadow of it. The great masters of this invention after Calvin are, Beza,[m] Cartwright,[n] Lambertus Danæus,[o] Gellius Snecanus,[p] Guil. Bucanus,[q] Hermannus Renecherus,[r] Buchanan,[s] Christopher Goodman,[t] Brutus Celta,[u] Francisc. Hottoman,[x] the author of the book called Speculum Tyrannidis Philippi Regis, and the Dialogue of Philadelphus:[y] and if any one would see more of these, he may find enough of them in the writings of that excellent and prudent prelate Dr. Bancroft, archbishop of Canterbury.

4. Concerning the pretences of the church of Rome, they are as invalid as can be wished. For although there are some overtures of Scripture made, as "Tibi dabo claves," and "Ecce duo gladii," and "Pasce oves," which are strange arguments to considering persons to prove the pope superior to kings:—and concerning them I shall not need to use any argument, but set down the words of the bishop[z] of Maestricht in an excellent oration of his recorded by Aventine: "Ambitiosi et superbi sunt qui illud Domini deique nostri elogium, 'quodcunque solveris super terram, &c. et quodcunque ligaveris erit ligatum,' &c. perfrictâ fronte interpretando adulterant, suæ libidini servire cogunt, et nobis ceu pueris et omnium rerum imperitis, astu illudere student." "They that expound such words of Christ to serve their pride or lust of empire, are impudent, and think us to be fools and children, and fit to be cozened and fooled out of our senses:"—Yet these were made no use of to any such purpose for many ages after the apostles' death; and therefore, upon wiser accounts, they cause this great article to rely upon some prudential motives, and some great precedents and examples. The particulars I shall consider in the following numbers: but that which here lies in my way, is their great boast of the fact of Pope Zachary deposing Childeric king of France in the year 750, and appointing Pepin the king's marshal to be king in his room. Upon the warranty of this example Gregory VII.[a] endeavoured to justify his proceedings against the emperor Henry IV. Bellarmine will not endure with patience to hear, that any one did this feat but the pope only; and on all hands they contend mightily that it was he, and not the nobles and people of France. They indeed were willing, but they had no authority, therefore they appealed to him as the ordinary judge; and he declared for Pepin, and God declared for that judgment that it was according to his will: for the event was blessed, Pepin was prosperous, and his son Charles the Great grew a mighty prince, and France a potent empire, and religion and the church had great increment and more advantages than before or since.

5. But when men judge of actions by the events, they only show themselves willing to be cozened by prosperity, and that they will endure nothing that hath affliction with it: but so they become advocates for the greatest villanies, because they could never come to their greatness if they were unprosperous. And therefore there is no judging of lawful or unlawful by the event, till the last event be tried: and at the day of our death and at the day of judgment, the event of things is the best argument and the best trial of right and wrong. But besides this, the folly of these men is infinitely seen in this very instance. For it is no wonder that the church of Rome was prosperous and did thrive upon that change: Pepin and Pope Zachary helped one another and divided the spoil; and Pepin and Charles having no warranty and reputation in that treasonable surprise of the crown of France, but what they had from the opinion the world then had of the bishop of Rome, it concerned Charles to advance the papacy, that the papacy might support him. But "by all that is before him in this world, a man knows not whether he be worthy of love or hatred," saith Solomon: and a man's fortune is "seen in his children:" and therefore if the pope's servants would look a little further than their own advantages, they might have considered what is observed by Paulus Æmilius and Beneventus of Imola, that in the days of Charles the Great, who was son to Pepin, the empire was divided; (which was the curse in which God punished Solomon in the person of Rehoboam;) that his son Ludovicus Pius was served just as his grandfather served his master the king; for his son Lotharius did most unnaturally rebel against him, deposed him, and thrust him into a cloister; and that he himself felt the judgment of God, for himself also was deposed, and succeeded to by Lewis II., who was prosperous in nothing, but in every undertaking the wind blew in his face. His son was "Ludovicus nihili," so they called him; a cipher of a king, and stood for nothing. He indeed left an heir to the crown: but he also was a man that had no heart, and his son had no head; for Charles the Bald was an extreme pitiful coward, and Charles le Gros was a fool.

[b] Annal. Eccles.
[c] Contr. Apol. Eccl. Angl.
[d] Contr. Episc. Eliens.
[e] In Comment. in Esther.
[f] In Theatr.
[g] De Justâ Abdicat. Henric. III.
[h] De Jure Magistratuum.
[i] De Potestate Papæ.
[k] De Temp. et Spirit. Pontif. Potestate.
[l] Of the Broken Succession.
[m] De Presbyterio.
[n] In his Last Reply.
[o] Christian. Politia.
[p] Lib. Disciplinæ.
[q] Loci Comm. Theol.
[r] Observat. in Psal. i.
[s] De Jur. Reg. apud Scot.
[t] Treatise of Obedience.
[u] De Jure Magistratuum.
[x] Francogallia.
[y] Dial. 2. p. 65.
[z] Lib. 5. Annal. Boior.
[a] Epist. ad Perimannum Epis. Metens.

After these succeeded Arnulph, who was eaten up with lice, the sad disease of Herod; and in his son Lewis IV. that race was quite extinguished. And now, if we judge of things by the event, have we not great reason, even upon this account, to suspect the fact of Zachary (though it was not his authority, but his consent and his confederacy with the rebel) to be extremely displeasing to Almighty God, when there was not one of his line but went away with a share of the Divine anger? But such reasonings as these concern none but them who feel them; they may suspect the thing, and better examine their confidences, when they feel any extraordinary evils, which most commonly are the consequents of a great sin and a mighty displeasure. But others are to do as they should have done at first, go by rule, and not venture upon the thing to see what will become of it. Being now quit of this by which they have made so much noise, all their other little arguments will soon melt away, when they come to be handled.

6. But as for the other pretenders (viz. those of the presbytery) to a power superior to kings in ecclesiastical government: they have not yet proved themselves to have received from Christ any power at all, to govern in his church: and therefore much less by virtue of any such power to rule over kings. I do therefore suppose these gentlemen not much concerned in this question, because they are incapable of making claim; not only because religion is no pretence to regalities, and that spiritual power is of a nature wholly different from the power of kings; but because if the spiritual were to be above the temporal, yet even then they are not the better. For they have not only none of that spiritual power, which can pretend to government, but it does not yet appear, that they have any at all: and this relies upon the infinite demonstrations of episcopal government and power: which being one of the words and works of Christ, must needs be as firm as heaven and earth. But if they be concerned, they will be concluded.

7. And first in general, it is necessary that the supreme power of kings or states should be governors in religion, or else they are but half-kings at the best,[b]—for the affairs of religion are one half of the interest of mankind: and therefore the laws of the Twelve Tables made provision for religion as well as for the public interest.

> Jus triplex, tabulæ quod ter sanxere quaternæ,
> Sacrum, privatum, et populi commune quod usquam est.
> AUSON.

And this is so naturally and unalterably entailed upon the supreme power, that when Attalus, the king of the Pergamenians, made the people of Rome his heir with these words only, "Populus Romanus bonorum meorum hæres esto," "Let the people of Rome be heir of all my goods;" by "his goods" they understood, "divina humanaque, publica et privata," saith Eutropius,[c] and Florus;[d] "all power in things public and private, human and Divine." For since religion is that great intercourse between God and us, it is impossible to deny to him, who stands next to God, the care of that by which we approach nearest to him: and this I learned from Justin:[e] "Jure ille à Diis proximus habetur, per quem Deorum majestas vindicatur;" "He is rightly placed next under God, by whom the majesty of God is asserted."—And therefore the christians must alter their style, and no more say that the prince is "homo à Deus secundus, et solo Deo minor," (which are the words of Tertullian,) "next to God, and only less than him," if between God and the prince there is all that great distance and interval of the government of religion. He is the best and greatest person, that rules the best and greatest interest: and it was rightly observed of St. Paul[f] concerning controversies civil, for money or land, "Set them to judge, who are least esteemed amongst you;" that is, of the least concern: but he that is judge of life and death, that is, the governor of bodies, and he that governs the greatest affairs of souls, he indeed ought to be of highest estimation. Bishops and priests are the great ministers of religion, but kings are the ἀρχηγοὶ, the great rulers and governors of it. And this is easy to distinguish. For as the king's judges and counsel learned in the law minister law to the people, yet the king is the supreme judge in law; and the king's captains and soldiers fight his battles, and yet he is "summus imperator," and the power of the militia is his,—so it is in religion; it must be ministered by persons ordained to the service, but governed by himself: he is not supreme, unless he have all the power of government.

8. (2.) The care of religion must needs belong to the supreme magistrate, because religion is the great instrument of political happiness: "Ad magnas reipublicæ utilitates retinetur religio in civitatibus," saith Cicero;[g] and unless he have power to manage and conduct it, and to take care it be rightly ordered, the supreme power hath not sufficient to defend his charges. If the prince cannot conduct his religion, he is a supreme prince just as if he had not the militia; or as if he were judge of right but not of wrong; or as if he could reward but not punish; or as if he had cognizance but of one half of the causes of his people; or as if he could rule at land but not at sea, or by night but not by day. But how if an enemy comes with a fleet against him, will he send a brigade of horse to take a squadron of ships? The case is just the same; for if God breaks in upon a nation for the evil administration of religion, how shall the prince defend his people or answer to God for them? And this is no inconsiderable necessity: for besides that justice and charity, and temperance and chastity, and doing good and avoiding evil, are parts of religion, and yet great material parts of government and the laws, the experience of mankind and natural reason teach us, that nothing is so great

[b] Cum jus conferendi opima sacerdotia ab Henrico Imp. vi fuerat extortum, ea res (inquit Paulus Æmilius, lib. 5.) multum virium imperatoriæ majestati detraxit in animis popularium, plus enim quam dimidium suæ jurisdictionis perdidit.

[c] Lib. 4. Eutrop.
[d] Lib. 2. L. Flor.
[e] Lib. viii.
[f] 1 Cor. vi.
[g] Lib. 2. De Divinat.

a security or ruin to a state as the well or ill administration of religion.

> Dii multa neglecti dederunt
> Hesperiæ mala luctuosæ. HORAT.

and Cicero,[h] "Omnia prospera eveniunt colentibus deos, adversa spernentibus;" "The people that have care of religion, are prosperous; but unhappy, when they are irreligious."

> Συνίχει δῶμα, saith Euripides;[i] and
> Καλὸν δ' ἄγαλμα πόλεσιν ἐυσεβὴς πόνος.

Religion is the band of families, and a strong foundation to commonwealths. Τὸ *συνεκτικὸν ἁπάσης κοινωνίας καὶ νομοθεσίας ἔρεισμα*, so Plutarch: "It is the ligature of all communities, and the firmament of laws:"—the same with that of Synesius: *Εὐσέβεια πρῶτον ὑποβεβλήσθω κρηπὶς ἀσφαλὴς, ἐφ' ἧς ἑστήξει τὸ ἄγαλμα ἔμπεδον τῆς βασιλείας*, "First let religion be settled, because it is the strong basis and column upon which a kingdom does rely."—And of this we have God himself a witness: "Seek the kingdom of heaven and the righteousness thereof in the first place; and all these things (that is, the necessities of the world and of this life) shall be added."—For so saith the apostle, "Piety is profitable to all things, having the promise of the life that now is, and of that which is to come."—And to this that of Homer rarely accords.

> Ὅστέ τευ ἢ βασιλῆος ἀμύμονος, ὅστε θεοῦδὴς
> Ἀνδράσιν ἐν πολλοῖσι καὶ ἰφθίμοισιν ἀνάσσων,
> Εὐδικίας ἀνέχησι· φέρησι δὲ γαῖα μέλαινα
> Πυρούς, καὶ κριθάς, βρίθησι δὲ δένδρεα καρπῷ·
> Τίκτει δ' ἔμπεδα μῆλα, θάλασσα δὲ παρέχει ἰχθῦς
> Ἐξ εὐηγεσίης· ἀρετῶσι δὲ λαοὶ ὑπ' αὐτοῦ.

The sense of which is well enough rendered by that of Justinian,[k] Οὗπερ *ἐν εἰρήνῃ φυλαττομένου, καὶ τὸ λοιπὸν ἡμῖν εὐθηνήσει πολίτευμα*, that he would take care concerning ecclesiastical government or the affairs of religion; "for if this be kept in peace, all the whole republic will be prosperously administered," "reliqua nobis exuberabit politia."—So it is rendered by one of our Saxon kings. The very trees will bring their fruit in due season, and the sea will give her fish, and the earth shall give her increase, when kings take care of justice and religion.[l] By religion princes increase their empire. So Cicero[m] affirms of the Romans, "Non calliditate ac robore, sed pietate ac religione omnes gentes nationesque superavisse;" "They overcame all the nations, not by force or craft, but by piety and religion." To which purpose is that of Valerius Maximus, "Non dubitaverunt sacris imperia servire: ita se rerum humanarum futura regimen existimantia, si divinæ bene atque constanter essent famulata;" "The greatest empires made no scruple of ministering to religion, as believing that then they should most prosperously prevail in the governments of the world, if they well and constantly did service to the Divine almighty power." Now this is not to be understood as if it meant, that if a king were a good man and personally religious, it would procure blessings for him and his people; though that be true in some proportion of events: but signifies that they should be religious kings, that is, as such take care to defend, to promote, to conduct, and to govern it to advantages and for the honour of God. And this observation is made by St. Austin, in his epistle to Bonifacius: "How do kings serve the Lord in fear, but by forbidding, and, by a religious severity, punishing those things which are done against the Lord's commandments? For otherwise does he serve him as a man, otherwise as a king. As a man, he serves him by living faithfully; but as a king, he serves him by establishing laws, commanding righteousness, and forbidding the contrary. So did Hezekiah serve God by destroying the groves and the idol temples, and all those things which were built against the commands of God. In the like manner King Josiah did serve God: and the king of Nineveh served him by compelling all the city to serve the Lord. Thus King Darius served God by delivering the idol to Daniel to be broken, and casting his enemies into the lion's den: and Nebuchadnezzar served him by forbidding by a terrible law all his subjects to blaspheme. For in this, kings serve the Lord as kings, when they do those things for his service, which they cannot do but as kings. Now if religion be the great interest, the preserver, the enlarger, of kingdoms, it ought to be governed by the hands of those whose office it is to enlarge or to preserve them. For if the instrument be conducted by other hands, the event shall depend upon them, and then they, not kings, shall be answerable for the felicity or infelicity of their nations. And it was rarely well said of Plutarch, that "a city might be as well built in the air, without earth to stand upon, *ἢ πολιτεία, τῆς περὶ θεῶν ἕξεως ἀναιρεθείσης, παντάπασι σύστασιν λαβεῖν, ἢ λαβοῦσα τηρῆσαι*, as a republic can either be constituted or preserved without the support of religion." That supreme power, therefore, that hath no government of religion, is defective in a necessary part of its life and constitution.

9. (3.) The supremacy and conduct of religion are necessary to the supreme power, because without it he cannot, in many cases, govern his people. For besides that religion is the greatest band of laws, and conscience is the greatest endearment of obedience,[n] and a security for princes in closets and retirements, and his best guard against treasons; it is also that by which the common people can be carried to any great or good or evil design. And therefore Livy observes of Numa, that to establish his government he first settled religion, as supposing that nothing is more powerful to lead the people

[h] Orat. 5. in Verrem.
[i] In Bacchis. and in Supplic.
[k] Novel. 42.
[l] Eorum imperiis remp. amplificatam qui religionibus paruissent, dixit Cicero, de Nat. Deor. l. 2.
[m] Orat. de arusp. resp.
[n] Solo sacramento inclyti principes tuti sunt, Symmach. lib. 10. ep. 54. Maximum, dicente Catone, majoribus nostris telum, ex quo plures pace susceptæ quam bello gentes fuere devictæ quo solo continetur omnis societas, et dissoluto dissolvitur. Appius, lib. 6. in fin. Omnium primum, rem ad multitudinem imperitam, et illis seculis rudem, efficacissimam. Deorum metum injiciendum ratus est, Livius lib. 1.—Primum enim malitiæ vinculum est religio, et signorum amor, et deserendi nefas. Senec. Epist. 69.

gently, or to drive them furiously, than to imprint in them the fear of God, or to scare them with religion. And therefore the prince cannot rule without it: he is but the shadow of a king and the servants of his priests; and if they rule religion, they may also rule him. And that for two great causes.

10. (1.) Because the propositions and opinions of religion have and are directly intended to have great influence upon the whole life and all the actions of mankind. For how if the ministers of religion preach the Stoical fate, and that all things that come to pass are unalterably predetermined, who need to care how he serves God, or how he serves his prince? Suetonius says of Tiberius, that he was "circa Deos et religiones negligentior, quippe persuasionis plenus cuncta fato agi," "careless of religion, because he was fully persuaded that all things came by destiny."—To what purpose are laws or punishments, rewards and dignities, prisons and axes, rods and lictors, when it is injustice to punish a criminal for being unavoidably miserable? and then all government is at an end, when there can be no virtue nor vice, no justice nor injustice: for what is alike necessary, is equally just. But upon some such account as this Plato said, that they are not to be suffered in a commonwealth, who said that God is the author of evil. And what are likely to be the effects of that persuasion, which is a great ingredient in the religion of some men, that "dominion is founded in grace;"—that evil princes may be deposed;—that heretics may be excommunicated, and their subjects absolved from the oath of their allegiance;—that faith is not to be kept with heretics;—that it is lawful to tell a lie before a magistrate, provided we think up the truth;—that kings are but executioners of the decrees of the presbytery:—that all things ought to be in common? By such propositions as these it is easy to overthrow the state of any commonwealth; and how shall the prince help himself, if he have not power to forbid these and the like dangerous doctrines? A commonwealth, framed well by laws and a wise administration, can, by any one of these, be framed anew and overturned. It is therefore necessary that the prince hold one end of his staff, lest himself be smitten on the head.

11. (2.) The other great cause is this, because religion hath great influence upon persons as well as actions; and if a false religion be set on foot, a religion that does not come from God, a religion that only pretends God, but fears him not, they that conduct it, can lead on the people to the most desperate villanies and machinations. We read in the life[o] of Henry III. of England, that when he had promised any thing to his nobility that he had no mind to perform, he would presently send to the pope for a bull of dispensation, and supposed himself acquitted: and who could suffer such a religion, that destroyed the being of contracts and societies, or bear the evils consequent to such a religion? And of the same nature, but something worse in the instance, is that which Arnaldus Ferronius[p] tells of, that the Roman lawyers answered to Ferdinandus Davalus, that, at the command of the pope, he might take up arms against the emperor Charles V. his prince, without any guilt of treason. And it was yet very much worse which was done and said by the Pope John the XXII.[q] against the emperor Lewis IV. "Quod si nobis obtemperare detrectaverit, patriarchis, episcopis, cunctis sacerdotibus, principibus, civitatibus imperamus ut eundem deserant, ac nobis parere cogant:" "Patriarchs and princes, bishops and priests, were not only allowed, but commanded to forsake their emperor, and to compel him to obey the bishop of Rome."—By these and much more it appears, the evil ministers of a false religion have great powers of doing what they please:

> Nam faciunt animos humiles formidine Divûm,
> Depressosque premunt ad terram:

They make the people absolute slaves, and lift them up again with boldness to do mischief. Εὐάλωτον εἰς δεισιδαιμονίαν τὸ βαρβαρικὸν, said Plutarch;[r] "The rude people are easy and apt to superstition:" and when they are in, they are ready for any violence. "Superstitione qui est imbutus, quietus esse non potest," said Cicero: "They cannot be quiet when they have got a wild proposition by the end." And this is too much verified by the histories of almost all nations: for there is none but hath smarted deeply by the factions and hypocrisies of religion. The priests of Jupiter[s] in the island of Meroe did often send the people to kill their kings. Eunus[t] a Roman slave, armed sixty thousand men upon pretence of a religious ecstasy and inspiration. Maricus in France did the like: so did an Egyptian in the time of Claudius the emperor, mentioned by Josephus, who led after him thirty thousand men against the Romans. The two false Christs,[u] the one in the time of Vespasian, the other under Adrian, prevailed to the extreme ruin of their miserable countrymen. Leo and the Turkish Annals tell us strange events and overthrows of government, brought to pass by the arts of religion in the hands of Elmahel and Chemin Mennal in Africa: the first taking the kingdom of Morocco from Abraham their king, together with his life: the other forcing the king of Fez to yield unto him the kingdom of Temesna. In Asia Shacoculis, of the Persian sect, by his religion armed great numbers of men, and in three great battles, overthrew the Turkish power, and put to hazard all their empire.

12. They that knew none of these stories, did know others like them, and at least knew the force of religion to effect what changes pleased them, who had the conduct of it; and therefore all wise princes, ancient and modern, took care to prevent the evil by such remedies and arts of government as were in their hands. Three remedies were found out; two by men, and one by God.

13. (1.) The ancient governments of the world kept themselves and their people to the religion of

[o] Matth. Westmonast. in Hen. III.
[p] 1 Lib. 8. Rerum Galicar. [q] Aventin. lib. 7. Annal.
[r] In Sertorio.
[s] Diod. Sicul. lib. 6. cap. 10.
[t] Florus, lib. 6. cap. 1.
[u] Lib. 2. de Bello Judaic. cap. 12.

their nation, that which did comply with their government, that which, they were sure, would cause no disturbance, as being that which was a part of the government, was bred up with it, and was her younger sister; but of foreign rights and strange and new religions they were infinitely impatient: by the prohibition and exclusion of which by their civil laws, as the supreme power secured the interest and peace of the republic, so it gave demonstration, that the civil power was supreme also in the religion. Upon this account we find that Aristotle and Anaxagoras were accused; Socrates and Protagoras were condemned, for holding opinions and teaching contrary to the religion of their country; and it was usual with the Athenians so to proceed: so Josephus[x] writes of them; ὥστε καὶ τοὺς ῥῆμα μόνον παρὰ τοὺς ἐκείνων νόμους φθεγξαμένους περὶ θεῶν ἀπαραιτήτως κολάζειν, "they did severely punish any man that spake but a word against the religion established by law." The Scythians also put Anacharsis to death, for celebrating the feast of Bacchus by the Grecian rites—for these nations accounted their country-gods to be entertained and endeared by their country-religion, and that they were displeased with any new ceremonies. But this thing was most remarkable in the state of Rome. For this was one of the charges which they gave to the ædiles,[y] "Ne qui nisi Romani dii, neque alio more quam patrio, colerentur." And Marcus Æmilius[z] recited a decree to this purpose; "Ne quis in publico sacrove loco novo aut externo ritu sacrificaret." And this they made a solemn business of, saith Livy: "Quoties patrum avorumque ætate negotium magistratibus datum est, ut sacra externa fieri vetarent;" "In the days of our ancestors they often made laws forbidding any stranger-rites;" but commanded that only their own country-gods should be worshipped, and that after their country-manner. For this was enjoined in the laws of the Twelve Tables; "Nemo separatim Deos capessit:" "No man must have a religion of his own," but that which is appointed by laws. And upon this stock Claudius banished the Jews from Rome, and quite extinguished the superstition of the Druids, which Augustus Cæsar had so often prohibited. But most full to this purpose is the narrative which Dio makes of the counsel which Mecænas gave to young Octavian: Τὸ μὲν θεῖον πάντη πάντως αὐτός τε σέβου κατὰ τὰ πάτρια, καὶ τοὺς ἄλλους τιμᾷν ἀνάγκαζε· τοὺς δὲ ξενίζοντάς τι περὶ αὐτὸ μίσει καὶ κόλαζε, ὅτι καινά τινα δαιμόνια οἱ τοιοῦτοι ἀντεισφέροντες πολλοὺς ἀναπείθουσιν ἀλλοτριονομεῖν· κἂν τούτου καὶ συνωμοσίαι καὶ συστάσεις ἑτερεῖαι τε γίγνονται, "Worship God always and every where according to your country-customs, and compel others so to do: but hate and punish the bringers in of strange religions; because they who bring in new deities and forms of worship, they persuade men to receive other laws, and make leagues, covenants, factions, and confederacies."

14. And therefore, to prevent innovations in religion, the Romans often inquired after those who had books of strange religions, and when they found any, they burned them; as we find in Livy[a] and Suetonius.[b] They would not suffer the rites of religion to be publicly disputed: and Augustus would not have the causes of the rites of Ceres heard in open court. And when Ptolemy of Egypt was pressed to hear the controversy between the Jews and the Samaritans concerning the antiquity of their religion, he would not admit any such dispute, till the advocates would undertake their cause to be just upon the pain of death, so that they who were overcome in the cause, should die for it; and that they should use no arguments but those which were taken from the received laws of their country, the law of Moses: they did so, and the advocates of the Samaritan party, being overcome, were put to death.[c] For they knew that to introduce a new religion with fierceness and zeal would cause disturbances and commotions in the commonwealth; and none are so sharp, so dangerous, and intestine, as those which are stirred by religion. "Pro aris et focis" is the greatest of all contentions; for their country-religion and their country-dwellings, "for their altars and their hearths," even old women and children will carry clubs and scalding water. This caution therefore was also observed by christian princes. Justinian[d] gave in charge to the proconsul of Palestine to prevent all popular tumults, which, from many causes, use to disturb the province, "tum vero maximè ex diversitate religionum: quandoquidem ut multos illic tumultus existere cernimus, neque leves horum eventus," "but especially those that proceed from diversities of religion: for this begets many tumults, and these usually sit very heavy upon the commonwealth:" the changes of religion being most commonly the most desperate paroxysms that can happen in a sickly state. Which Leontius, bishop of Antioch, expressed prettily by an emblem; for stroking of his old white head, he said, "When this snow is dissolved, a great deal of dirty weather would follow:" meaning, when the old religion should be questioned and discountenanced, the new religions would bring nothing but trouble and unquietness.

15. This course of forbidding new religions is certainly very prudent, and infinitely just and pious. Not that it is lawful for a prince to persecute the religion of any other nation, or the private opinion of any one within his own: but that he suffer none to be superinduced to his own to the danger of peace and public tranquillity. The persuasions of religion are not to be compelled; but the disturbances by religion are to be restrained by the laws. And if any change upon just reason is to be made, let it be made by authority of the supreme: "ut respublica salva sit;" that he may take care, that peace and blessings may not go away to give place to a new problem. When it is in the prince's hands, he can make it to comply with the public laws; which he then does best of all, when he makes it to become a law itself. But against the law no man is to be

[x] Lib. 2. contr. Apion. [y] Liv. lib. 5.
[z] Liv. lib. 39. [a] Liv. 5. dec. 3. et lib. 10. dec. 4.
[b] In Aug. cap. 31. [c] Joseph. lib. 13. Antiq. Judic. cap. 6.
[d] Novel. 103. cap. 2.

nitted to bring in new religions, excepting him who can change the law, and secure the peace. ond this no compulsion is to be used in religion: τρεπτικὴ γὰρ ἡ πᾶσα θεοσέβεια ζωῆς τῆς νῦν καὶ μελλούσης ὄρεξιν ἐγγεννῶσα τῷ συγγενεῖ λο-ῳ, said St. Clemens Alexandrinus;[e] "All re-on must enter by exhortation; for it is intended eget a desire in our mind that is of the same nation, a desire of the life that now is, and of which is to come." The same with that of odoricus,[f] king of the Romans: "Religionem erare non possumus, quia nemo cogitur ut credat tus:" and Theobaldus[g] writing to the emperor tinian, argued well: "Since God himself is ased to permit many religions, we dare not by e impose any one; for we remember to have d, that we must sacrifice to God with a willing id, not by the command of any one that com-s." And therefore the old Romans, the Greeks, Scythians, although they would admit no new gion amongst their own people, would permit to ry nation to retain their own; by this practice theirs declaring, that religion is not to be forced oad, nor changed at home, but that it was by the preme power of the republic to be conducted so to comply with the interest of the commonwealth. is was the first remedy against the evils of re-ious pretences; which, by being conducted in the nds of the civil power, shows that to be supreme en in the questions of religion.

16. (2.) The other, which was found out by men, that they did take the priesthood into the hands the supreme civil power; and then they were re that all was safe. The Egyptians[h] chose their iests out of their schools of learning, and their ngs out of their colleges of priests. The kings Aricia,[i] a place not far from Alba, were also iests of Diana: the same is reported of the priests Bellona, that they were the kings of Cappadocia, ith Hirtius;[k] and the priests of Pantheon[l] were preme judges of all causes, and conductors of all eir wars. The kings of Persia were always con-crated to be princes of the ceremonies, so was the ng of Lacedemon; and at this day the kings of alabar are also brahmins or priests: and it was law amongst the Romans, "Sacrorum omnium testas sub regibus esto," "The power of religion, d all holy things, was to be under their kings:" d Virgil[m] ever brings in his prince Æneas as presi-nt of the sacrificial rites; and of something to the me purpose Ovid[n] makes mention,

> Utque ea nunc certa est; ita rex placare superna
> Numina lanigeræ conjuge debet ovis.

The king, with the sacrifice of a ram, was to pease the gods."—So did Romulus and Numa; Romulus auspiciis, Numa sacris constitutis, funda-enta jecerunt Romanæ civitatis," said Cicero;[o] They built Rome, and religion was the foundation of the city." And the same custom descended with the succeeding kings, as Dionysius Halicarnasseus reports: Πρῶτον μὲν ἱερῶν καὶ θυσιῶν ἡγεμονίαν εἶχεν, καὶ πάντα δι' ἐκείνου πράττεσθαι τὰ πρὸς θεοὺς ὁσίους, "They had the government of all sacrifices and holy rites; and whatsoever was to be done to the holy gods, was done by them."

17. When afterwards they separated the priesthood from the civil power, they appointed a sacrificing king to take care of the rites, but they kept him from all intermeddling with civil affairs; he might bear no office in the commonwealth, nor have any employment in the army, nor make an oration to the people, nor meddle with public affairs: and yet besides this caution, the supreme magistrate was pontifex maximus; and although he did not usually handle the rites, yet when he pleased, he made laws concerning the religion, and punished the augurs, and the vestal virgins, and was superior to the "rex sacrorum," and the whole college of priests.[p]

18. But when the commonwealth was changed into monarchy, Augustus annexed the great pontificate to the imperial dignity, and it descended even to the christian emperors, who because it was an honorary title, and was nothing but a power of disposing religion, they at first refused it not: but upon this account it was that Tacitus[q] said of the Roman emperor, "Nunc Deûm munere summum pontificem summum hominum esse," "The greatest priest is also the greatest prince." Now this device of theirs would indeed do their business, but it was more than was needful. For though it were certain that religion, in the hands of the supreme magistrate, should never disturb the public; yet it might be as sure, if the ministry were in other hands, and the empire and conduct of it in their own. And that was God's way.

19. (3.) For God hath intrusted kings with the care of the church, with the custody of both the tables of his law, with the defence of all the persons of his empire: and their charge is to preserve their people in all godliness and honesty, in peace and in tranquillity; and how this can be done without the supreme care and government of religion, is not easy to be understood.

(4.) But this appears, in that kings,—that is, the supreme power of every nation,—are vicegerents of Christ,[r] who is Head of the church, and Heir of all things; he ruleth with a rod of iron; he is Prince of the kings of the earth; the only Potentate, King of kings and Lord of lords; to him is given all power in heaven and earth, and by him kings reign. So St. Athanasius:[s] Λαμβάνων οὖν ὁ Χριστὸς τὸν θρόνον μετέστησεν αὐτὸν, καὶ ἔδωκε τοῖς ἁγίοις Χριστιανῶν βασιλεῦσιν ἐπάναστρέψαι τούτους ἐπὶ τὸν οἶκον Ἰακὼβ, "Christ, taking his throne, hath translated it, and given it holy christian kings to return them back to the house of Jacob." The fathers of the council of Ariminum, writing to Con-

[e] Lib. 1. Pædag. cap. 1.
[f] Apud Cassiodorum, lib. 2.
[g] Variar. ep. 27. Lib. 10. ep. 26.
[h] Marsil. Ficin. in Præfat. lib. Trismeg.
[i] Strabo, lib. 5.
[k] In Bell. Alexandr.
[l] Diod. Sicul. lib. 6. cap. 10.
[m] Lib. 10. Æneid.
[n] Fastor.
[o] Lib. 2. De Nat. Deor.
[p] Festus Pompeius, lib. 17.—Dionys. Halic. lib. 4.—A. Gell. lib. 10. cap. 15.—Liv. lib. 2.
[q] Annal. lib. 3.
[r] Heb. i. 2. Rev. i. 5. xi. 17. xvii. 14. xix. 16. 1 Tim. vi. 15 Matt. xxviii. 18
[s] Serm. de B. Virg.

stantius the Arian emperor, say to him, that by Christ he had his empire given him; Δι' οὗ [Χριστοῦ] σοι καὶ τὸ βασιλεύειν οὕτως ὑπῆξεν ὡς καὶ τῆς καθ' ἡμᾶς οἰκουμένης κρατεῖν, "By him thou art appointed to reign over all the world." And upon this account, Liberius gave him this advice; Μὴ μάχου πρὸς τὸν δεδωκότα σοι τὴν ἀρχὴν ταύτην· μὴ ἀντ' εὐχαριστίας ἀσεβήσῃς εἰς αὐτόν, "Fight not against him, who hath given thee this empire; and instead of thanksgivings, pay him not with dishonour." For the prince, being an Arian and denying the Divinity of Christ, did dishonour the Prince of the kings of the earth, who had deserved better at his hands. The consequent of this consideration is this, If Christ as the supreme King does rule his church, and in this kingdom hath deputed the kings of the earth, and his vicars they are, then they are immediately under him in the government of Christ's church. For Christ, in heaven, is both King and Priest. As King, he reigns over all the world for the glory of his Father and the good of his elect; as Priest, he intercedes for all mankind, and particularly "for them who shall be heirs of salvation." Now, in both these relations, he hath on earth deputed certain persons to administer and to imitate his kingdom and priesthood respectively. For he governs all the world, but he does it by his angel-ministers, and by kings his deputies. He officiates in his priesthood himself, and in this he hath no deputy; for he intercedes for us continually: but he hath appointed an order of holy and consecrated persons to imitate the offices of this priesthood, to minister the blessings of it to the people, to represent the death of the cross, to preach pardon of sins to the penitent, to reconcile lapsed and returning sinners, that is, to minister to the people all the blessings which he, by the office of priesthood, procures in heaven for us. Now it is certain, that he hath made deputies of his kingdom; for all power being given to him as the great King, there can be no government upon earth but what he appoints. "The government is upon his shoulders," and all the earth is his inheritance, and therefore from him all just government is derived. Now it being manifest that he is the fountain of all kingly power, it is also as manifest that all this power is delegated to the kings of the earth; for "by me kings reign," saith the Wisdom of God; and it is one of the most glorious appellatives, that he is "Prince of the kings of the earth;" and it is as certain that none of this kingly power was given to the ministers of religion, but expressly denied to them. "The kings of nations exercise dominion;" that is their province; "but it shall not be so amongst you: but he that is greatest amongst you, let him be your minister." That is your state, you are ministers of the kingdom to other purposes, in other manners; you do your work by serving, by humility, by charity, by labours and compliance, by gentle treatments and the gentlest exhortations; nothing of a king is to be in you, but the care: ὅτι συνάπτειν τὴν βασιλείαν τῇ ἱεροσύνῃ συγκλώθειν ἐστὶ τὰ ἀσύγκλωστα, "for to join the kingdom and the priesthood evangelical is to join in one band things of the most differing nature:"[t] for the name of kings hath power and constraint, rods and axes: the name of priests and apostles hath in it nothing but gentle manners and holy ministries. Kings can compel; the ministers of religion must entreat. They can kill; but, at the most, these can but rebuke sharply. These can cut off from spiritual communion, and deny to give them mysteries, that will hurt the wicked and the indisposed; but they can cut them off from life itself. Kings justly seek honours, wealth, and dignity, and it is allowed them by laws and by necessity, and by their reason; but priests must "not seek their own, but only the things of Jesus Christ." They must indeed be maintained: the ox cannot labour, if his mouth be muzzled: but though this be his maintenance, it must be no part of his reward. Our blessed Saviour's word is rendered by St. Matthew[u] by κατακυριεύειν, "The kings of the people do rule imperiously." This very word is also used by St. Peter, and forbidden to the elders of the church; and to it is opposed ποιμαίνειν, "to feed the flock like shepherds." The manner of κυριεύειν used by St. Paul, or κατακυριεύειν used by St. Matthew and St. Peter, "the exercising dominion is compulsion," and great riches: this is also forbidden to the clergy, they must not do any thing ἀναγκαστῶς, nor αἰσχροκερδῶς, not "for profit to themselves," not "with violence or imposing necessity upon others." The ministers of religion are very considerable in this kingdom of Christ, to promote and to advance it by holy preachings and holy ministrations: but it is true, which was solemnly declared in Babylon to the prince of the captives, "officium ipsi non potestatem injungi, et ab eo die incipiendum ipsi servire omnibus;" their eminency is nothing but an eminency of service, it is the greatest ministry in the kingdom, but hath in it the least of empire. But of this I shall have occasion to give a fuller account. For the present, that which the present argument intends to persuade is, that the ministers of religion are not only officers under Christ's priesthood, but subjects in his kingdom, which is administered by angels and christian princes in all the imperial, in the defensive and coactive, parts and powers of it. The christian king or supreme magistrate can do every thing, πλὴν μόνου τοῦ ἱερουργεῖν, as Comatenus said, "only except the sacred ministries:" which is the same which was said by the famous bishop of Corduba, Hosius, in Athanasius: "Neque igitur fas est nobis in terris imperium tenere, neque tu sacrorum et thymiamatum habes potestatem, imperator, hoc est jus adolendi." The good bishop was speaking of the fact of Ozias, who though he had power over the priests, yet had nothing to do to meddle with the rights of priesthood; "It is not lawful for us to meddle with empire or the rights of government; nor for thee, O emperor, with the rites of incense." The sum is this, If Christ by his kingly power governs his church, and christian kings are his deputies, then they also are the supreme, under Christ, of the whole government of the church.

20. (5.) So that now I shall not need to make

[t] Synes. [u] Matt. xx. 25.

use of the precedents of the Old Testament, nor recite how David ordered the courses of the Levites, the use of the bow in the choir, the solemnities of public service, nor how Solomon put Abiathar from the high-priesthood, nor how Jehu, nor Hezekiah, nor Josiah, reformed religion, pulled down idols, burnt the groves, destroyed the worship of Baal, reduced the religion of the God of Israel. This indeed is an excellent argument, because it was a time, in which God gave his priests more secular eminency and external advantages than ever he did since, and also because Christ changed nothing in the kingdoms of the earth; he left them as he found them, only he intended to make them ministers and portions of his kingdom; and that they should live privately and govern publicly by his measures, that is, by the justice and mercy evangelical. But this argument I was the more willing to touch upon, because the church of England much relies upon it in this question, and excommunicates those who deny the supreme civil power to have the same authority in causes ecclesiastical, which the pious kings of the Hebrews had over the synagogue: but I find the ancient doctors of the church pressing much upon the former "medium,"—That Christ hath specially intrusted his church to christian princes. For,

21. (6.) Christ shall call christian kings to account for souls. "Cognoscant principes seculi Deo se debere rationem reddere propter ecclesiam, quam à Christo tuendam suscipiunt. Nam sive augeatur pax et disciplina ecclesiæ per fideles principes, sive solvatur, ille ab eis rationem exigit, qui eorum potestati suam ecclesiam credidit," said Isidore Hispalensis:[x] "Let the princes of the world know, that they must give an account to God for the church, which they have received from Christ into their protection. For whether the peace and discipline of the church be increased by faithful princes, or whether it be dissolved, he who hath intrusted his church to their power, will exact an account from them."—And therefore Pope Leo to Leo the emperor gave this advertisement;[y] "Debes incunctanter advertere regiam potestatem tibi non solum ad mundi regimen, sed maximè ad ecclesiæ præsidium esse collatam;" "You must diligently remember that the supreme power is given to you not only for the government of the world, but especially for the safety and defence of the church."—Now this defence not being only the defence of guards but of laws,—not only of persons, but especially of religion,—must needs infer that kings have something more to do in the church than the court of guards hath: he defends his subjects in the service of God; he defends and promotes this service; he is not to defend them if they disserve Christ, but to punish them, and of this he is judge and exactor: and therefore this defence declares his right and empire. "Ex quo imperatores facti sunt Christiani, res ecclesiæ ab ipsis dependisse:" so Socrates expresses this question: "Ever since the emperors became christian, the affairs of the church have depended upon them."—They did so before, but they did not look after them: they had the power from Christ, but they wanted his grace: they owed duty to him, but they paid it not, because they had no love for him. And therefore Christ took what care he pleased, and supported it in persecution, and made it grow in despite of opposition: and when he had done this long enough to prove, that the religion came from God, that it lost nothing by persecution, but that his servants loved him and died for him,—then he called the princes into the house of Jacob, and taught them how to administer his power to the purposes of his own designment. Hence come those expressions used often by antiquity concerning kings, calling them "vicarios Dei," "veræ religionis rectores," εὐσεβείας καὶ πίστεως ἀρχηγοὺς, "the deputies of God," "governors of true religion," "the captains and conductors of faith and godliness;" "ad quorum curam, de quâ Deo rationem reddituri erant, res illa maximè pertinebat,"[z] "for to their care religion and the church did belong, and concerning that care they were to give an account to God."

22. Now if we descend to a consideration of the particular charges and offices of kings in relation to the church, it will not only be a mighty verification of the rule, but also will minister to the determination of many cases of conscience concerning kings, and concerning the whole order ecclesiastical. This I shall do in the following rules, which are but appendices to this.

RULE V.

Kings have a legislative Power in the Affairs of Religion and the Church.

1. THIS is expressly taught by St. Austin:[a] "In hoc reges, sicut eis divinitùs præcipitur, Deo serviunt in quantum reges sunt, si in suo regno bona jubeant, mala prohibeant, non solùm quæ pertinent ad humanam societatem, verùm etiam quæ pertinent ad divinam religionem;" "In this, kings in that capacity serve God according to the Divine commandment, if in their respective kingdoms they command good things and forbid evil, not only in relation to human society, but in order to religion."

2. The least part of this power is to permit the free exercise of it, and to remove all impediments, and to give it advantages of free assemblies, and competent maintenances, and just rewards, and public encouragements. So Cyrus and Darius gave leave and guards and rescripts, warranty and provisions and command, to the Jews of the captivity, to build the temple. So Constantine and Licinius did to the christians, to practise their religion. Thus Hezekiah, and some other pious kings of the Hebrews, took away the offences of the people, the brazen serpent, the groves and images, the altar of Bethel, and the idolatrous services. And of these things there is little question; for the christian princes, by their authority, shut up the temples of the heathen gods.

3. That which is yet more considerable is, that

[x] In Sent. cap. 51. [y] Epist. 75.

[z] S. August. Ep. 166. [a] Contr. Crescon. lib. 3. 51.

by punishments they compel their subjects to serve God and keep his commandments. That which was observed of the primitive christians, that they tied themselves by oaths and covenants to serve God, to do justice, not to commit adultery, to hurt no man by word or deed, to do good to every man they could, to assemble together to worship Christ,—that christian princes are to secure by laws, that what men will not do by choice, they may, whether they will or no; and this not only in things relating to public peace and the interest of the republic, but in the immediate matters of religion: such as are, laws against swearing, against blasphemy, against drunkenness, and fornication, and the like, in which the interest of souls is concerned, but not the interest of public peace. "Hoc jubent imperatores, quod jubet Christus;" and it is a great service to Christ, that the fear of men be superadded; because to wicked persons and such for whom the severity of laws was made, it often prevails more than the fear of God.

4. But that which is more than all this is, that besides those things, in which God hath declared his will, the things of the church, which are directly under no commandment of God, are under the supreme power of christian princes. I need no other testimony for this but the laws themselves which they made, and to which bishops and priests were obedient, and professed that they ought to be so. And this we find in the instance of divers popes, who, in their epistles, gave command to their clergy to observe such laws, which themselves had received from imperial edicts. For there are divers laws, which are, by Gratian, thrust into his collection, which were the laws of christian princes. The canon "Judicantem,"[b] expressing the office of a judge in the cognizance of causes, attributed by Gratian to Pope Eleutherius, was a law made by the emperor Constantine;[c] and so was that[d] which was attributed to Pope Fabian against accusers; it is in the Theodosian code, and was made by the same prince. The canons which go under the names of Sixtus,[e] and Adrian[f] and Fabian[g] before cited, of the same title, were made by Gratian, the son of Valentinian the elder: who also made the rescripts for restitution of church-goods taken from bishops, when they were forced from their sees, attributed to Pope Caius and Pope John. Theodosius the emperor made the canon "Qui Ratione"[h] for order in accusations, which yet is attributed to Pope Damasus, but is in the Theodosian code: for thus the popes easily became lawgivers, when they adopted into their canon the laws of their princes, which by their authority prevailed beyond the memory of their first makers. The canon "Consanguineos,"[i] for separation of marriage within the prohibited degrees, was not the pope's, but made by Theodosius, as it is thought, at the instance of St. Ambrose: and Valentinian made the canon "Privilegia,"[k] for confirmation of the privileges of the church, which goes under the name of Anacletus. I could reckon divers others: for indeed the volume of the "Decrees" is full of such constitutions, which the christian emperors made; but they were either assumed by the popes or imputed to them. But that the popes, as ecclesiastics, had no authority to make laws of ecclesiastical affairs, but that the emperors had,—was sufficiently acknowledged by Pope Honorius.[l] "Imperator Justinianus decrevit, ut canones patrum vim legum habere oporteat;" "That the canons of the fathers became a law in the church, was by the constitution of the emperor Justinian."—For that was all the end both of the labours of war and the counsels of peace, "ut verum Dei cultum orbis nostri plebs devota custodiat," said Theodosius and Honorius in their letters to Marcellinus: "that our people may devoutly follow the true worship of God."

5. Upon this account we find that Constantine, Anastasius, and Justinian, made laws concerning the expense and rites of sepulture. Gratian, Valentinian, and Theodosius, forbade dead corpses to be interred within the memorials of martyrs and apostles. Honorius appointed the number of deans in the metropolis, and the immunities of every church. Leo and Anthemius forbade alienation of church lands. But what should I instance in particulars? they that know not this, are wholly strangers to the civil law,—particularly the first book of the code, the Authentics, the Capitulars of the French princes, the laws of the Goths and Vandals, and indeed of all the christian princes of the world. But the first titles of the code, "De Summâ Trinitate et Fide Catholicâ," "De Sacrosanctis Ecclesiis," "De Episcopis et Clericis," "De Episcopali Audientia," "De Hæreticis," "Manichæis," "Samaritis," "De Apostatis," and divers other, are witnesses beyond exception. Now in this there is no exception of matter. For whatsoever is under government, is also under the laws of princes: Μηδὲν ἄβατόν ἐστιν εἰς ζήτησιν τῇ βασιλείᾳ, said Justinian.[m] Nothing comes amiss to the prince. every thing is under the royal cognizance. Constantine[n] made laws concerning festivals, and appointed what labours might, and what might not, be done upon the Lord's day; and so did Leo[o] the emperor. Valentinian, the elder, made a law that no clergyman should receive an inheritance by the will or gifts of widows and orphans, unless they were of the kindred. St. Ambrose[p] complains heavily of the law, and so does St. Jerome,[q] but confesses it was just, and procured by the avarice of some clergymen, who under cover of religion made a prey of the widows. But this decree was sent to Pope Damasus, and publicly read in the churches of Rome. And Honorius the emperor made a law concerning the election of the pope:—which two last instances I reckon to be very great, because, at Rome now-a-days, they are intolerable.

6. But if all these laws were made by emperors only by force, against right and justice, and beyond their just power, then we are never the nearer for

[b] 13. q. 5. [c] L. 1. C. de Judic. C. Theodos.
[d] Can. si quis iratus. [e] 3. q. 6. c. 16, 17. et 2. q. 8. c. 4.
[f] 2. q. 3. c. 3. [g] 3. q. 6. c. 1.
[h] 3. q. 9. [i] 35. q. 6. [k] 25. q. 2.
[l] Cap. 1. Ext. de Juram. Calum. [m] Novel. 123.
[n] Cap. de Feriis, lib. 3. et Cod. Theod. de Fer. lib. 1.
[o] Leo. VI. novel. 54. [p] Epist. 31.
[q] Ep. 2. ad Nepotian.

this argument: and that it is so, Baronius [r] is bold to affirm, who upon this title blames Justinian for meddling with the affairs of the church: for "Quid imperatori cum ecclesiâ?" "What hath the emperor to do with the church?"—we know who said it. And therefore a synod at Rome under Symmachus abrogated a law made by Basilius a deputy of King Odoacer, in an assembly of ecclesiastical persons, in the vacancy of the see apostolic, upon the death of Simplicius. Now the law was a good law, it forbade the alienation of the goods of the church; yet because it was a law made by a laic, they thought fit to annul it.

7. To these things I answer, that it matters not what Baronius says against Justinian: for Pope Adrian IV.[s] who is much more to be credited, commends him, and propounds him as a great example imitable by all princes: and it was not Justinian alone, but very many other princes, both before and after Justinian: and therefore to ask "What hath the emperor to do with the church,"—might become Donatus, (whose saying it was, and whom St. Austin [t] confuted for saying so,) but it becomes not any man that loves truth and order. As for the Roman synod under Symmachus, the matter was this. He would needs make himself head of a synod without the bishop, (for he was lately dead,) and made a law with an anathema for the sanction, and would have it pass not for the law of the prince, but for a law of the church; which because the ecclesiastics had no reason to accept for such, when it was not so, they did annul it: "Talem legem viribus carere, nec posse inter ecclesiastica ullo modo censeri," said Eulalius the bishop of Syracuse in that synod. But that this makes nothing against the prince's power of making laws, appears by the great submission, which even the bishops of Rome themselves made to the imperial laws, even when they liked them, and when they liked them not. I instanced before in Damasus causing the law of Valentinian against clergymen receiving inheritances from widows to be read in all the churches of Rome. Pope Boniface consented to the law, which Honorius the emperor made about the election of the pope, and was so far from repudiating an ecclesiastical law made by the prince, that he entreated him to make it. But that which is most material to this inquiry is, the obedience of St. Gregory the Great to Mauritius the emperor, who made a law that no soldier should turn monk without his leave.[u] This St. Gregory esteemed to be an impious law; he modestly admonished the emperor of the irreligion of it. But Maurice nevertheless commanded him to publish the law. The good bishop knew his duty, obeyed the prince, sent it up and down the empire, and gave this account of it: "Utrobique quæ debui exolvi, qui imperatori obedientiam præbui, et pro Deo quod sensi minimè tacui;" "I have done both my duties, I have declared my mind for God, and have paid my duty and obedience to the emperor:"—"Legibus tuis ipsi quoque parent religionis antistites," said Pope Gelasius [x] to Anastasius the emperor; "Even the bishops, the ministers of religion, obey thy laws." Now this is not for decency only, and upon prudent considerations, but upon necessity and by the Divine authority: "cognoscentes imperium tibi supernâ dispositione collatum," as "knowing that the empire is given to thee by God."—And therefore the great prelates of the church, when they desired a good law for the church's advantage should be made, presently addressed themselves to the emperor, as to him who alone had the legislative power. I have already instanced in Pope Boniface entreating Honorius to make a law concerning the election of the pope. Sergius also, patriarch of Constantinople, petitioned the emperor Heraclius to publish a pragmatic sanction, that no man should be admitted into the clergy but into a dead place. These things are so plain, that I may justly use the words of the fathers of the sixth council of Toledo,[y] speaking of Chintillanus their king: "Nefas est in dubium deducere ejus potestatem, cui omnium gubernatio superno constat delegata judicio;" "It is impiety to call in question his power, to whom the government of all is certainly deputed by the Divine judgment."—I therefore conclude this particular with the excellent words of Cardinal Cusanus: [z] "It becomes not any man to say that the most sacred emperors, who, for the good of the republic, did make many constitutions concerning the election of bishops, collation of benefices, observation of religions, did err. Nay, we have read that the pope of Rome hath entreated them, that they would publish laws concerning Divine worship, and for the public good, and against sinners of the clergy. And lest, peradventure, it be said, that the strength of all these constitutions did depend upon the approbation of the authority apostolical or synodical, [viz. of the pope or council,] I will insist upon this: although, (let me say this,) I have read and collected fourscore and six chapters of ecclesiastical rules of the ancient emperors, which were to no purpose to insert here, and many others of Charles the Great and his successors, in which many dispositions or appointments are to be found concerning the pope of Rome and all patriarchs, and the conservation of bishops and others; and yet I never read, that ever any pope was asked to approve those laws; or, if his approbation did intervene, that, upon that account, the laws did bind. But it is read, that some popes of Rome have confessed, that they had those imperial laws in veneration." And this thing is so true and so publicly known, that the French ambassadors openly told it in the council of Trent, that the kings of France, by the example of Constantine, Theodosius, Valentinian, Justinian, and other christian emperors, made many laws concerning holy things, and that these did not only not displease the Roman bishops, but they put many of them into their canons: that the chiefest authors of these laws, Charles the Great and Lewis IX. they thought worthy to be canonized and declared saints,

[r] Tom. 7. A. D. 541.
[s] Apud Radenon. in Frider. lib. 1. cap. 15.
[t] Epist. 166.
[u] Lib. 2. Ind. 11. ep. 61.
[x] Epist. 10.
[y] Cap. 14.
[z] Lib. 2. Cath. Concord. cap. 40.

and that the bishops of France, and the whole order ecclesiastical, have piously ruled and governed the Gallican church by the prescript of those ecclesiastical laws, which their kings had made.

RULE VI.

The supreme civil Power hath a Power of Coercion of every Person in the whole Order ecclesiastical.

1. He that says all must be subject, need not instance in particulars, and say that Titius and Sempronius, and the village curate, and the bishop of the diocess, must be subject. But yet because of the pretences of some, the fathers of the church have found it necessary to say, that even ecclesiastics must be subject; and that they are a part of the all. So St. Chrysostom,[a] explicating the words of St. Paul, saith, "But Paul gives us those reasons which command us of duty to obey the powers; showing, that these things are commanded to all, not to seculars only, but to priests and monks: which he shows in the very beginning, when he saith, 'Let *every* soul be subject to the supereminent powers;' although thou beest an apostle, or an evangelist, or a prophet. For this obedience or subjection (be sure) will not destroy thy piety." That St. Chrysostom here speaks of secular powers, is evident in the whole homily; and it appears also in the words here reported; for he says, that even an apostle must be subject, who, because he hath no superior ecclesiastical, must be subject (if at all) to the secular or supreme civil power. And this place is so understood by St. Irenæus,[b] St. Basil,[c] St. Ambrose upon this place, and St. Austin,[d] who expressly derides those that expound the "higher powers" of St. Paul by "ecclesiastical honours."

2. But this thing is evident by notoriety of fact. Theodoret[e] tells of Eusebius bishop of Samosata, that when the imperial edict of banishing him from his see, and sending him into Thrace, was brought by a messenger in the twilight, he charged him to say nothing, lest the people should tear the officer in pieces. But the bishop, according to his custom, went to evening prayer; and then with one servant, with a book and a pillow went to the water-side, took a boat, and passed over to Zeugma. The people, having soon missed their bishop, followed him, found him out, and would fain have brought him back; but he refused, and told them it was the precept of the apostle, "to be obedient to the higher powers:" and upon that he rested, and they returned. And the same was the submission, and the same was the reason, of St. Athanasius,[f] as appears in his Apology to Constantius the Arian emperor; and the same subjection was professed by Justin Martyr to Antoninus the emperor; "Nos solum Deum adoramus, et vobis in rebus aliis læti inservimus, imperatores ac principes hominum profitentes;" "We only worship God, in other things we cheerfully serve you, as professing you to be emperors and the princes of mankind."—"Ego quidem, jussioni subjectus," said St. Gregory[g] to Mauritius; "I am subject to command:"—and then it is certain, he was subject to punishment, in case he disobeyed the command. "Ad hoc potestas super omnes homines dominorum meorum pietati cœlitus data est." He had no more immunity than any man else; for from heaven a power is given to the prince over all men.—The effect of this instance and these words of Gregory is acknowledged by Espencæus,[h] "Gregorius Magnus agnoscebat imperatoribus concessum esse dominari sacerdotibus;" "Gregory the Great acknowledged, that to the emperors it was granted to rule over the priests."—And the same was affirmed by Pope Honorius: "Sancta ecclesia legum sæcularium non respuit famulatum, quæ æquitatis et justitiæ vestigia imitantur;" "The holy church refuses not to obey secular laws that are equal and just."

3. But I undertook to evidence the truth of this rule by matter of fact and authentic precedents. Constantine[i] received the libels which the bishops at Nice had prepared one against another. He told them indeed, that it was more fit for them to judge him, than he them,—and therefore he burned the papers; but this signified nothing, but that it was a shame to them, whose office it was to reprove all sinners, to accuse one another of crimes before their prince. But that this was nothing but a modest redargution of them appears, because he did upon their condemnation of Arius banish him, and recalled him without their absolution of him. He banished Eusebius[k] and Theognis, whom the council had deposed, and took cognizance of the cause between Athanasius[l] and the bishops his accusers; that it might appear what he had said to the prelates at Nice was but a modest reproof or a civil compliment, for it was "protestatio contra factum." If he said that, he said one thing and did another. His son Constantius caused Stephen bishop of Antioch to be convened in the palace upon the law "de vi publicâ," and the "lex Cornelia de sicariis." His lay-judges heard him, found him guilty, and commanded the bishops to depose him from his bishopric and expel him out of the church. His brother Constans[m] heard Narcissus of Cilicia, Marcus the Syrian, Theodore of Thrace, and Maris of Chalcedon, against Athanasius and Paul bishop of Constantinople. Valentinian[n] the emperor set a fine upon the head of Chronopius the bishop, and inflicted divers punishments upon the bishops of Ursicinus, Ruffus, Ursus, and Gaudentius, for making schisms to the disturbance of the public peace. Gratian the emperor deposed Instantius, Salvianus, and Priscillian from their bishoprics and banished them, and

[a] Homil. 23. in Epist. ad Rom. [b] Lib. 1. cap. 24.
[c] In Constit. Monast. cap. 22.
[d] Lib. de Catech. Rud. c. 21. and contr. Parmen. lib. 1. c. 7.
[e] Hist. lib. 4. cap. 15.
[f] Apolog. 2.
[g] Epist. ad Mauritium.
[h] Comm. in Tit. 1. de Privileg. cap. Super Specula, cap. Innotuit, de Arbitr. cap. 1. de No. oper. nunc. cap. Constitutus de in Integr. Restit. cap. Auctoritate, de Concess. Præb. in 6.
[i] Vide Athan. de Synod. Socrat. lib. 1. cap. 25. Sozom. lib. 2. cap. 28.
[k] Theodor. lib. 1. cap. 20. id. ibid. cap. 31.
[l] Athan. Apol. 2.
[m] Socra. lib. 2. cap. 14. Sozom. lib. 3. cap. 9.
[n] Lib. 2. Quorum Appel. Cod. Theod.

afterwards recalled them. Arcadius[o] the emperor heard St. Chrysostom's cause and banished him; and Pope Innocent, who found fault because he gave wrong judgment, yet blamed him not for usurping of a right to judge him. Theodosius the younger imprisoned Bishop Memnon and St. Cyril of Alexandria. Indeed, the prince was misinformed by John of Antioch; but when, by the great Ephesine council, he was rightly instructed, he condemned John of Antioch, and afterwards released the two bishops at the great and passionate[p] petition and importunity of the council of Ephesus. And when Ibas, bishop of Edessa, had excommunicated some priests of his diocess, they appealed to the emperor[q] and were heard. Theodoric, king of Italy, received accusations against Pope Symmachus,[r] and sent Altinus a bishop to be the visitor of that see, and afterwards remitted the matter to a synod. Justinus[s] the emperor gave judgment upon Dorotheus, bishop of Thessalonica, for sedition and homicide. Justinian banished Julian the bishop of Halicarnassus, Severus bishop of Antioch, Peter of Apamea, and Zoaras a priest: but he also judged the cause of Pope Sylverius, for certain treasonable letters; and recalled him from banishment, but so that he should not be restored to his see, unless he were found innocent of the accusation.

4. I could reckon very many more instances to the same purpose, but these are as good as more, especially being but particulars of that power, and just consequence of that authority, which I have proved, by the laws of God and the confessions of the church, to be inherent in the supreme power. I sum up this with the words of Balsamo:[t] "Quia statutum est nullum per alium injuriâ afficiendum, ipse patriarcha ab imperatore, qui ecclesiæ habet potestatis scientiam, judicabitur forte ut sacrilegus, vel malè de fide sentiens, vel alicujus criminis reus: hoc enim judicialiter actum vidimus diversis temporibus;" "Because it is commanded, that one should not injure another, the patriarch himself shall be judged of the emperor, who hath cognizance over the power of the church, peradventure for sacrilege, or for heresy, or for the guilt of any other crime; for we have, divers times, seen such judicial processes." And to the same purpose, the seventh canon of the first council of Matiscon subjects the clergy to the secular judge in the causes of theft, witchcraft, and murder; and the council of Toledo[u] does the like in the matter of robbery or cozenage. For either clergymen are not subjects, or they are bound by the laws of their prince. If they be not subjects, how come they free? If they be subjects, where is their privilege? or is the spiritual calling of a nature so desperate and estranged from the commonwealth, that it is no part of it? or is it better than the secular? The questions are worthy inquiring after; but the decision of them will take off many prejudices from this great measure of conscience, concerning the fountain of human laws and judicatories.

5. But, upon a closer view of the particulars, it will be found that the whole matter is a mistake; a false consequence drawn from a true estimate of religion: for all men grant, that religion is the greatest excellency,—that our souls are the biggest interest,—that all our wealth is best employed, when it is spent in God's service,—that all things must yield to our duty to God: these are all very true, as every thing else is, when it is truly understood; but what then? therefore the ministers of religion are to be preferred before the ministers of policy? Well, suppose that; for it is true, that every thing is best in its own place and time. But what? therefore the ministers of religion are superior to princes, whose government and care, whose office and employment, are merely temporal? That will not follow;—nor this, therefore the ministers of religion are in all things better;—nor this, therefore they are in nothing inferior; nor this, therefore they are not subject to civil government, and civil punishments. But these things must be considered apart.

Question I.

In what sense the service of God is to be preferred before every thing else?

6. To this I answer, (1.) That if the service of God be taken in a sense opposed to any other thing, which is not the service of God, there is no peradventure, but it is to be preferred before every thing; for the question is no more than this, whether we ought to serve God, or not to serve him. For if that, which is not God's service, comes in competition with that which is,—if the first be preferred, God is directly despised.

7. (2.) If, by the service of God, is meant the virtue of religion expressed in external action, as saying our prayers, receiving the holy sacrament, visiting churches, sitting at the memorials of martyrs, contemplation, fasting, silence, solitude, and the like, then it is as certain, that the service of God, in this sense, is to be preferred before many things, but not before all things; not before many things of our ordinary life, not before many things of civil society. For to keep a holy day is a part of the service of God, but not to be preferred before bodily labour in our trade, if that labour be necessary for the feeding our family with daily bread. Contemplation is an excellent part of the Divine service; but charitable actions are more useful. To hear a good sermon is good; but to snatch even an ox out of a pit is to be preferred before it. This our blessed Saviour taught us in those excellent words, "I will have mercy and not sacrifice." For not only the precise virtue of religion is the Divine service, though, by propriety, it hath obtained the name; but the doing all our duties, the works of our calling, all charitable ministries, all useful trades, all the graces of the spirit expressed in actions and obedience, is the service of God, and of one it can-

[o] Socrat. lib. 6. cap. 16.
[p] Vestra pia genua protensis manibus attingimus
[q] Anastas. Biblioth. in Symmacho.
[r] Epist. Hormisdæ, 56, 57.
[s] Novel. 42. et ponitur in concil. Gen. 5. Act. 1. Liberatus in Breviar. cap. 22.
[t] Ad can. 12. syn. Antioch.
[u] Which is cited c. filiis 16. q. 7.

not be said, it is better than another; for they shall be required in their season. For,

8. (3.) It is one thing to inquire, which is, in itself, more excellent, and another thing to ask which are to choose; one thing to say, "This is to be preferred in estimation,"—and another to say, "This is to be preferred in practice." Ecstasies and raptures and conversing with blessed spirits are certainly actions and passions, respectively of greater eminency than dressing the sores of poor boys in hospitals; and yet he that does this, serves Christ and does good, while he that follows after the others, may fall into the delusions of the devil. That which is best in itself, is not best for me: it is best for the best state, but not for the state of men, who dwell in imperfection. Strong meat is better than milk, but this is best for babes; and therefore he would but ill consult the good of his child, who, because it is a princely boy, would feed him with beef and venison, wild boar and the juice of great fishes. Certainly a jewel is better than a piece of frieze; and gold is a more noble and perfect substance than barley: and yet frieze and barley do, in their season, more good than gold and jewels, and are therefore much more eligible. For every thing is to be accounted of in its own place and scene of eminency: the eye loves one best, and the tongue and palate, the throat and stomach, love the other. But the understanding, which considers both, gives the value according to the degree of usefulness, and to the end of its ministry. Now though our understanding can consider things in their own perfections, and proportion honour and value to them; yet that which is better than honour, love and desire, union and fruition, are due to those most, which, it may be, we honour least. And therefore there are some parts of the service of God, which are like meat and clothes, and some which are like gold and jewels; we value and admire these, but we are to choose the other: that is, we prefer one in discourse, and the other in use; we give better words to one, and better usages to the other. And therefore those parts of the Divine service, which are most necessary, and do most good to mankind, are to be chosen before those, that look more splendidly, and in themselves import more perfection. The foundation of a house is better than the roof, though the roof be gilded; and that part of the service of God, which serves the needs of mankind most, is to be chosen before those, which adorn him better; so that actions of high and precise religion may be the excellencies and perfections of a human soul; but the offices of civil governors, their keeping men in peace and justice, their affrighting them from vile impieties, may do much more good to mankind, and more glory to God in the whole event of things.

9. (4.) But then if it be inquired, whether is better, prayers or government, a pulpit or a court of judicature; — I am to answer, that they are both best in their time. The pulpit rules on Sundays, the court of judicature all the week after. The pulpit guides the court, and the court gives laws to the pulpit. The pulpit gives counsel to this, and this gives commands to that. But there is this difference; if the pulpit says amiss, we are not bound by it; but if the court judges ill, we may complain, but we must submit. But then to inquire which is better, when they are both the servants of God, is to make a faction in the house of unity; and as there can be no good end served in it, so there can be no good ground of reason or revelation by which it can be determined.

10. (5.) If the question at last be, whether is to be preferred, the service of God, that is, an act of religion, or an act of civil life; I answer, that ordinarily religion is to be preferred, when there can be a question reasonably asked, which is to be chosen. That is, if it be indifferent as to the person, there is no indifference in the thing: for the religious act does more honour to God and more good to us. But it is because that where our life and time are empty of other duties, then and there are the time and proper season of religion. But if it be not indifferent to the man, but an act of life or civil calling be in its season and appointment, then this is to be preferred before that.

11. (6.) Lastly, it is to be observed, that there are seasons ordinary and extraordinary, in our services of God. Every thing, in its season, is to be preferred: and therefore, upon festivals, we are to go to church and to public offices; upon other days to follow the works of our calling: and so prefer both in their time. But sometimes these ordinary seasons are invaded by extraordinary necessities; and then that must prevail, which is most necessary in its season, and the other must give place. Now because this happens often in the needs of our life, and not very often in the needs of religion, therefore, in cases of natural or political necessities, the things of the commonwealth are to be preferred before the things of the church; that is, the service of God in charity before the service of God in the virtue of external religion: and the reason is, because this can stay, and the other cannot; and this can be supplied with the internal, that is, the religion of the heart, but that cannot be supplied with the charity of the heart.

Question II.

Which are to be preferred, and which are better, things spiritual or things temporal?

12. To this the patrons of ecclesiastic monarchy give a ready answer out of St. Gregory Nazianzen,[x] speaking to the presidents: "Nam vos quoque potestati meæ meisque subselliis lex Christi subjecit. Imperium enim ipsi quoque gerimus, addo etiam præstantius ac perfectius; nisi verò æquum est spiritum carni fasces submittere, et cœlestia terrenis cedere;" "The law of Christ hath subjected you also, that are civil magistrates, to my chair. For we also have an empire, yea a better and more perfect than yours, unless it be reasonable, that the spirit should submit to the flesh, and heavenly things give place to earthly." For temporal things belong to the body, and spiritual things to the soul; by how much therefore the soul is above the body, by

[x] Orat. 15. ad Subd. Tim. Percul.

so much spiritual things are above the temporal. For a temporal end is and ought to be subordinate to a spiritual; because temporal felicity is not the last end of man, but spiritual and eternal; this therefore being the greatest, ought to be ministered to by the cession of the temporal.

13. To this I answer, that temporal things ought to yield to spiritual, if by spiritual things be meant the glory of God and the good of souls, but not to every thing that is spiritual. For though it be a spiritual employment to serve God in the communion of saints, and the life of a man be a temporal thing; yet a man is not bound to lose his life to go to public churches; but for his own soul's salvation, for the promotion of religion, and the honour of God, he is. A man is very much better than a beast; yet the life of a beast is better than the superfluous hair of a man's beard. The honour and reverend usage of churches is a spiritual concern and a matter of religion; and yet when an army is hard put to it, they may defend themselves by the walls and strength, and preserve their lives with a usage of the church, which was never intended by the patron that built it, or the bishop that consecrated it. When temporal life and eternal are compared, when the honour of God and the advantage of a man are set in opposition, when the salvation of a soul and the profit of trade are confronted, there is no peradventure but the temporal must give way to the spiritual. But when a temporal necessity and a spiritual advantage are compared, the advantage, in the nature of the thing, is overbalanced by the degree of the necessity, and the greatness of the end; and it is better to sell the chalices of the church, and minister to religion in glass or wood, than to suffer a man to starve at the foot of the altar. The consequent of this consideration is this, that although spiritual things are better than temporal, yet not every thing of spiritual nature or relation, is to be preferred before all temporals.

14. (2.) Another consideration is this, that there is difference also in the degrees and measures of cession or yielding. Temporal things must yield; that is, we must so order affairs, that by them we serve God; our money must go forth in justice and charity, our time must yield up portions to religion, our persons must decline no labour for God's service; and if ever there comes a contest between our duty and our profit, or our ease, or our advantage, we must, by the loss of these, secure our gains and our interest in that. But this preferment of one before another, does not consist in giving to one secular advantages before the other, temporal honours, and precedences in possessions, in escutcheons and achievements, but in doing the duty of that which is incumbent, and making the other minister to that which is more necessary. He that prefers religion before the world, is not tied to bestow more money upon his chapel than upon his house. If God had chosen him one place of residence, and a temple for his house and for the religion of the nation, as he did among the Jews, there had been a great decency and duty of doing so upon many accounts; for then the question had been between religion and irreligion, zeal and contempt, love of God and neglect; and then the determination had been easy. But now since the whole end of internal religion can be served, by giving to places of religion that adornment, which may make the ministries decent and fitted, and of advantage: beyond this, when we come to a dispute between that which is in order to a spiritual end, and that which serves a temporal,—more things are to come into consideration, besides the dignity of the relation.

15. (3.) For it is yet further to be observed, that when it is said, that all temporal things are subordinate to our spiritual ends, the meaning is, that all the actions of our life, all that we are, all that we have, must be directed actually or habitually to the great end of man, the glorification of God, and the salvation of our souls; because God hath ordained this whole life in order to that; and therefore, in the generality, it is true, that all temporal things are to minister to spiritual. But then this is to be added, that temporal things are not ordained to minister to spiritual intermedial things, such, I mean, which are not, directly, and in circumstances, necessary. I must serve God with my substance; therefore I must, by my substance, contribute to the just and appointed ministries of religion: but it does not follow, that if the church multiply priests unnecessarily, and God hath multiplied my children naturally, that therefore I must let my children want, to feed the numerous company of them that can minister spiritual things. The whole is subordinate to the whole, that is, all our temporalities are given us to serve God with: but then they are given us also to serve our own needs, that we may serve God; but they are not any other ways subordinate, but to enable us to serve him, not to serve the particular spiritual end, unless it be by accident, that is, not unless we cannot serve God without it.

16. (4.) For temporal things and spiritual things have both the same supernatural end, that is, God's glory and eternal felicity. And sometimes they severally tend to this end, and then they are to go their own ways, and not to minister and be subordinate to each other. But sometimes they are to combine and to co-operate, and then temporal things must serve spiritual, and spiritual must serve the temporal. For example. The temporal or civil power hath for its end public tranquillity, that men may serve God in all godliness and honesty. The ecclesiastical power hath the same end: Ἱερωσύνη καὶ βασίλεια εἰς ἓν ὁρῶσι τέλος, τῶν ὑπηκόων σωτηρίαν, said Isidore Pelusiot.—I shall not now consider the whole effect of this truth; but in order to the present say, that since both temporal and spiritual things minister to the same end, that is, salvation of mankind, they are distinct methods or instruments to that end, and, of themselves, are not in subordination to one another; but as temporal things must serve spiritual, when there is need,—so must spiritual serve the temporal, when they require it: the temporal power must defend religion, and religion must minister to the public peace. The prince must give advantages to the ministers of religion; and the ministers of religion must pray

for the prince's armies, his prosperity, his honour,—and, by preachings and holy arts, must give bridles to the subjects, keeping them in duty by the means of conscience. The prince, by laws and fear, makes men just and temperate, chaste and peaceable: the priest does but the same thing by the word of his proper ministry. He that does it most effectually, is the most happy: but he that will go about to compare which does it most, and therefore is to be preferred,—shall then hope to do it prosperously, when he can tell which side of the equinoctial hath most stars,—or whether hath most drops of water, the northern or the southern sea. The sum of this consideration is this; that although temporal things in their latitude are to serve spiritual ends, meaning the great end of the perfection of our spirits,—yet so must the intermedial spiritual things serve the same great end; but the intermedial temporal and the intermedial spiritual are not subordinate to one another, unless it be by accident, and that may, and often does, happen on either side.

17. But I must add one thing more for explication: and that is, that though all things in the world are to minister to the great end of souls, and consequently are subordinate to that great end; yet it is (that I may use St. Paul's expression in another case) "by reason of him, that hath put all things under it:" for this subordination is not natural, or by the nature of the thing, but by the wise economy and disposition of God; who having appointed, that all things shall "be sanctified by the word of God, and prayer;" that natural powers shall be heightened by grace, and shall pass into supernatural, and this world into another, hath, by his own positive order, disposed of temporal things and powers beyond their own intention. But otherwise, temporal things have an ultimate end of their own, terminating all their natural intention and design. Thus the end of the mariner's art is not the salvation of the souls of them that sail with him, but the safe landing of their persons and goods at the port; and he that makes statues, hath for his end a perfect image. Indeed, the man may have another end, to get reputation, to maintain his family, to breed up his children "in the nurture and admonition of the Lord," and at last the salvation of his own soul, by doing things honest and profitable: but though these may be the ends of the man, yet they are not the ends of his art; and therefore, his art hath no natural subordination, because it hath no natural order to eternal salvation. And this is the case of many temporal things, especially arts, offices, intercourses, and governments. Therefore supposing all that is said in the objection, that temporal felicity is not the last end of man, but spiritual and eternal, yet though it be not the end of a man, it may be the end of human government; and by not being in a natural order to spiritual ends, though spiritual be a better thing, yet it follows not that it ought to take place of that, upon the account of its being better in another kind. The body indeed is subordinate to the soul, because it hath all its motion and operation and life from the soul, and in a natural conjunction and essential union is its appointed instrument: but temporal things and spiritual are not so conjoined, and do not naturally, but by accident, minister to each other; and therefore are made subject to each other alternately, when they are called to such accidental or supernatural ministrations.

Question III.

Whether are to be preferred, spiritual or temporal persons?

18. How spiritual things are to be preferred before temporal, I have already accounted: but it is a consideration distinct from that, whether spiritual persons be to be preferred before temporal. For from things to persons it will not follow; and he that hath a better art, is not always the better man: and he that is employed in the best concernment, hath not always the advantage of profession. There was a time in Rome, when the physicians were but servants, and had not the liberty of Romans; but certainly it is a better trade than fighting: and yet then the soldiers were accounted the greater men. Herod, the sophister, had a son that was a fool, and could never learn the alphabet; but he had two-and-twenty slaves that were wise fellows; but the master was the better man. But when the question is concerning the honour and dignity of persons, we are to remember, that "honor est in honorante:" many men deserve honour that have the least of it, and it is as it is put upon us by others. To be honoured is to have something put to them, it is nothing of their own. Therefore in this question there are two things to be asked: the one is, what spiritual persons deserve;—the other is, what is given them.—They may deserve more than they have, or they may have more than they deserve: but whether either or neither happens, "he that honours himself, his honour is nothing;" but he is honourable, whom God or the king honours: and therefore spiritual persons ought to receive much, but to challenge none; and, above all things, ought not to enter into comparison with them from whom all temporal honour is derived. But when the question is concerning the prelation of secular or ecclesiastic persons, the best answer is given to it, when they strive to prefer one another "in giving honour to each other." But I remember, that the legates at Trent were horribly put to it to place the orators of the kings of France and Spain, who would both go first: they at last found an expedient, and they did both go first, and both were preferred in several positions. So is the spiritual person and the civil; they are both best, but the honour of one is temporal, and the honour of the other is spiritual; or rather, one is properly called honour, and the other, reverence. "Honour the king, reverence his priests." But this question is not properly a question of right, but of duty: and the spiritual man must not call for it, but the other must pay it. And it is something a sad consideration to think, that all the questions of the preference and comparison of spiritual and temporal persons do end in covetousness and ambition, to which spiritual eminency, let it be ever so great, was never intended to

nister. For the honour due to spiritual persons, their spiritual relation is a spiritual honour; l that, though it be ever so great, cannot well be npared with temporal; for it is a great honour another kind: but whatsoever temporal honours : given to them, are then well given, when they : done in love to religion; and are then well :en, when the advantage passes on to the good of ils, and does not sully the spiritual man with ritual pride, or temporal vanity. Socrates com-ins that the bishops of Alexandria and of Rome re fallen into empire, or dominion. That is none the preference proper to a spiritual man. He is :n honoured, when his person is had in reverend d venerable esteem,—when his counsel is asked, when his example is observed and followed,—ien he is defended by laws and princes,—when is rescued from beggary and contempt,—when is enabled to do his duty with advantages,—ien he can verify his ecclesiastical power,—when can vindicate religion from oppression,—and :tly, when his person, which is the relative of ligion, receives those advantages, which, as a man, needs, and which can adorn him as such a man. it if he disputes for any other honour, so much is s due as is given him by christian princes or com-)nwealths, and no more; and he will gain the)re by making no further question. Christ gave s apostles power abundantly; but the greatest nour he gave them, was to suffer for his name; d of this he promised they should want nothing: it when kings became nursing fathers of the urch, and she sucked the breast of queens and incely women, then the spiritual persons and ides of souls had temporal honours heaped on em, as the offerings were made for the tabernacle, ore than was sufficient. For it quickly rose into :cess, and then the persons of the prelates fell into cular affections, and grew hated and envied and)posed. Ammianus Marcellinus, giving an account that horrible sedition raised in Rome in the con-st between Damasus and Ursin about the papacy, ys, he wonders not that the prelates did so ear-:stly contend for the bishopric of Rome; "cum adepti, futuri sint ita securi, ut ditentur oblationi-is matronarum, procedantque vehiculis insidentes, rcumspecte vestiti, epulas curantes profusas, adeo : eorum convivia regales superent mensas;" "be-iuse when they have obtained it, they are safe and arm, full with the oblations of the good women, id are carried in their caroches, and are neatly abited, and splendidly feasted, and themselves keep bles beyond the profuseness of kings." Now al-iough bishops are men, and religion itself is served y men, who have bodies and secular apprehensions, id therefore does need secular advantages; yet iis belongs to them as men, not as spiritual. It is ist as if you should call the general of an army holy father," and beg his blessing, and set him in ie chiefest place of the choir, and pray him to reach upon the greatest festivals of the year, and in in multitudes to hear him speak. These are the roper honours of spiritual persons; and the splen-our of the world is the appendage of secular achievements: whatsoever is necessary for their persons, in order to the advantages of religion, is very fit to be given by princes to the bishops, who will certainly modestly entertain it, and by pious conduct transfer it to the glory of Christ and the good of souls. But this is none of the honour that Christ invested their holy order with: they have an honour and a blessedness, which none but themselves can take from them. The rosary of christian graces is the tiara of their head, and their office is their dignity, and humility is their splendour, and zeal is their conquest, and patience is their eminence, and they are made illustrious by bringing peace, and promoting holiness, and comforting the afflicted, and relieving the poor, and making men and women useful to the public, and charitable in their ministries, and wise unto salvation. This is that which was spoken by God in the prophet Isaiah,[y] "Since thou wast precious in my sight, thou hast been honourable." And this was observed by the pagan, who, being surprised with the secular splendour of the Roman bishops, liked it not, but said that there was another way for them to be truly happy: "Esse poterant beati reverâ, si, magnitudine urbis despectâ, quam vitiis opponunt, ad imitationem antistitum quorundam provincialium viverent, quos tenuitas edendi potandique parcissimè, vilitas etiam indumentorum, et supercilia humum spectantia, perpetuo numini verisque ejus cultoribus ut puros commendant et verecundos." They are the words of Ammianus Marcellinus whom I lately mentioned: "The Roman bishops might indeed be truly happy, if they, despising the splendours of the city, would live as some bishops in the provinces, whom their temperate and spare diet, their plain habit and their humble carriage, represent to God and all God's servants, as persons pure and modest." But then if this discourse have any thing of reason, piety, or truth in it, it must needs be infinitely certain, that spiritual persons are to be preferred before the temporal in spiritual honours, but not in temporal regards; they having nothing to do with them by virtue of their order or their office: what they have to their persons by the favour of princes and nobles, is of another consideration, and so this question is changed into an advice, and best ends in a sermon or declamation.

Question IV.

Whether the eminence of the spiritual calling, and the consequent prelation of spiritual persons, can exempt them from secular coercion, and make them superior to princes.

19. In what senses bishops have any superiority over princes, I shall afterwards explain: now the question is concerning secular superiority, and immunity from the temporal sword of princes. Now to this, I suppose, what I have already said, may be able to give an answer. For the spiritual order gives no temporal power at all; and therefore, if all temporal power be in the supreme civil magistrate, all men that can deserve to feel the edge of the sword, are subject to it. For what? Had Archimedes reason

[y] xliii. 4.

to take it ill of the Romans for not sending for him and making him general in the Syracusan war, because he was a better geometrician than any of all their senate? Lewis XI. of France had a servant, who was an excellent surgeon, and an excellent barber, and dressed his gout tenderly, and had the ordering of his feet and his face, and did him many good offices. But the wise prince was too fond, when, for these qualities, he made him governor of his counsels. Every good quality, and every eminence of art, and every worthy employment, hath an end and design of its own; and that end, and the proportions to it, are to be the measure of the usage of those persons which are appointed to minister to it. Now it is certain that spiritual persons are appointed ministers of the best and most perfective end of mankind, but to say that this gives them a title to other ministries, which are appointed to other ends, hath as little in it of reason as it hath of revelation. But I shall not dispute this over again, but shall suppose it sufficient to add those authorities, which must needs be competent in this affair, as being of ecclesiastic persons, who had no reason, nor were they willing, to despise their own just advantages, any more than to usurp what was unjust.

20. When Origen complained of the fastuousness and vanity of some ecclesiastics in his time, they were bad enough, but had not come to a pretence of ruling over kings upon the stock of spiritual prelation; but he was troubled, that some had quit their proper excellency, consisting in the multitude of spiritual gifts, their unwearied diligence in the care of souls, their dangers, their patience, their humility and their dying for Christ. "Et hæc nos docet sermo divinus," saith he, "'The word of God teaches us these things:' But we either not understanding the Divine will set down in Scriptures, or despising what Christ to such purposes recommended to us, are such that we seem to exceed the pride even of the evil princes of the world: and we do not only seek for guards to go before us like kings, but are terrible to the poor, and of difficult access, and behave ourselves towards those, who address themselves to intercede for some thing or some person, that we are more cruel than tyrants, and the secular lords of their subjects. And in some churches you may see (especially in the churches of the greatest cities) the chief of the christian people neither affable to others, nor suffering others to be free in their intercourses with them."—These things are out of the way of the ecclesiastics; for these things cannot consist with piety and humility,—and the proper employments of such persons, who gained the world by cession, and not victory over whole kindoms, by trampling upon devils, and being trampled upon by men. Bishops should be like the symbols of the blessed sacrament, which although for the ornament of religion, and for our sakes, and because we would fain have opportunity to signify our love to Christ, we minister in silver and gold, yet the symbols themselves remain the same plain and pure bread and wine, and altered only by prayers, and by spiritual consecration, and a relative holiness. But he were a strange superstitious fool, who, because the sacramental bread and wine are much better than all the tables and viands of princes and all the spoils of nature, will think it fit to mingle sugar and the choicest spices of Arabia with the bread, and ambergris and powder of pearl and the spirit of gold with the chalice. These are no fit honours to the holy sacrament: the symbols of which are spoiled, when they are forced off from the simplicity and purity of their institution and design. So it is with spiritual persons: their office is spiritual, and their relation is holy, and their honours are symbolical. For their own sakes, princes and good people must cause decent and honourable ministries and accommodations to be provided for them; but still they must remain in their own humility and meekness and piety, and not pretend to dignities heterogeneal and eminences secular, because their spiritual employment is very excellent. It was St. Gregory Nazianzen's[z] wish that there were in the church μηδὲ προεδρία μηδὲ τις προτίμησις καὶ τυραννικὴ προνομία, ἵν' ἐξ ἀρετῆς μόνης ἐγνωσκόμεθα, "neither precedency of episcopal sees, nor any eminency of one place above another, nor any tyrannical or pompous provisions and solemnities, that we might be distinguished only by our virtue."—Now if prelation by order and ecclesiastical economy amongst the bishops was of so ill effect, so little necessary, and so greatly inconvenient, that the good bishop wished there was no such thing;—there is little reason to doubt, but he would have infinitely condemned all pretensions of a power over civil governments. But the bishops of Rome were not at that time gone so far. The Archimandrites of Constantinople complaining against the Eutychians, write to Pope Agapetus, that if they be still permitted, "licenter omnia accedent, non contra ecclesiasticos solos, sed etiam contra ipsum piissimum imperatorem, nostrum et vestrum honorabile caput," "they will do insolences, not only to the ecclesiastics, but also to our most pious emperor, who is the honourable head both of you and us."[a] This power of headship or supremacy over the whole order ecclesiastical was acknowledged in the church for about a thousand years; for besides the apparent practice and approbation of it, which I brought in the former pages, we find that the emperor Henry II. did deprive Widgerus of the archbishopric of Ravenna, and deposed Gregory VI. from the papacy.[b]

21. And therefore we find, that those ancient prelates, that called upon princes to pay reverence to them, and an acknowledgment of their authority which Christ intrusted in their hands, accounted them wholly to be distinct things, and not at all invading each other's limits. For Christ, by making them christians, did not make them less to be princes: and christian emperors could not go less than the heathens; they were certainly no losers by their baptism. For it had been a strange argument for Sylvester to have used to Constantine, "Sir, give up yourself a disciple to the most holy Jesus, and you shall have a crown hereafter; and here also you shall still reign over all but me and

[z] Orat. post Reditum.

[a] In 5. synod. act. 1. tom. 2. concil. [b] Herman. in Chron.

my clergy; to us indeed you must be subject, and by us you must be governed, but the crown imperial shall be greater than every thing, our mitres only excepted."—If this had been the state of the question, I wonder by what argument the prince could have been persuaded to become christian; when it was so obvious for him to say, that Sylvester had reason to move him to preach Christ, since he got so much temporal advantage by it, but that he could see little reason why himself should lose and Sylvester get, and become a disciple of Christ to be made a minor and a pupil to the bishop. And indeed it would have been a strange sermon, that preaches humility to emperors and dominion to bishops. But their sermons, when they were at the highest, were of another nature. "De humanis rebus judicare permissum est, non præesse divinis:" so Pope Gelasius[c] declares the limit of the imperial and priestly power: "Of all things belonging to this world the emperor is to judge; but not to be the president or chief minister of holy rites." Gelasius spake it upon occasion, because Anastasius the emperor did unnecessarily interpose in the absolution of Peter, bishop of Alexandria. This Pope Gelasius supposed was of another nature, and not relative to the things of this world, and therefore not of imperial cognizance. But all the things of this world belong to him. And if all things of this world, then all persons of this world. For "Circa actiones proprie versatur imperium," say the lawyers; "Rule and empire, and all power of judicature, are principally concerning actions;" but actions are done by persons, who therefore are subject to government. And upon this account the African bishops petitioned the emperor, that he would compel Paul the bishop of Constantinople to be of the catholic communion.[d] And the fathers of the ninth council of Toledo, making provisions against those ecclesiastics, who prevented the just dividend of the public oblations, they first order them to be privately reproved, or else to be delated to the bishop, or to the judge. But if the bishop cozen the corban, let him be delated to the metropolitan: but if the metropolitan do any such vile thing, "regis hæc auribus intimare non differant;" "let him without delay be accused unto the king." And Lambert the emperor, about the year of our Lord 900, having some contest with the pope, propounded this first article in a synod at Ravenna;[e] "If any Roman of the clergy or the senate, of what order soever, shall, either voluntarily or by compulsion, appeal to the imperial majesty, let no man presume to contradict him: —until the emperor, by himself or his missives, shall deliberate concerning their persons and their causes." Thus we find Pope Leo IV.[f] submitting himself to Lotharius the emperor, and promising obedience: and to Ludovicus he professes, that, if he have done amiss, he will amend it according to his sentence, or the judgment of his deputies. Upon the consideration of these and many other particulars, Gratian, though unwillingly, confesses,[g] that in civil causes, a clergyman is to be convened before the civil judge: and although a little after he does a little prevaricate in the matter of criminal causes, yet it was too late; for he had said it before,[h] "Regum est corporalem irrogare pœnam," "Kings have the power of inflicting corporal punishments;" and therefore if a clerk were guilty in a criminal cause, the secular judge had power over him, said the fathers of the first council of Matiscon.[i] But it matters not much,—for a greater than Gratian said it in his own case before the civil power, "If I have done any thing worthy of death, I refuse not to die;" they are the words of St. Paul.

Question V.

Whether is to be obeyed, the prince or the bishop, if they happen to command contrary things.

22. To this I answer, that it is already determined, that the emperor is to be obeyed against the will of the bishop. For so it was in the case of Mauritius and St. Gregory; for the bishop was fain to publish the prince's edict, which yet he believed to be impious. It was also most evident in St. Athanasius of Alexandria, St. Gregory of Nazianzum, St. Chrysostom of Constantinople, Eusebius of Samosata, who, by injustice, were commanded to leave their diocesses.

23. But this is to be understood in actions, which can, by empire and command, be changed into good or bad respectively: because such actions are most properly the subject of human laws. For in what God hath expressly commanded or forbidden, the civil or ecclesiastical power is only concerned to serve the interest of the Divine commandment, to promote or to hinder good and evil respectively. But whatsoever is left undetermined by God, that the supreme power can determine: and, in such things, if there could be two supreme powers, the government were monstrous, and there could be no obedience; for "No man can serve two masters." Now the supreme power hath in this no limit, but that which limits both powers,—the laws of nature and the laws of Jesus Christ: and if there be any thing commanded by the prince against these, the bishop is to declare the contrary, that is, to publish the will of God, provided it be in an evident matter and without doubtful disputation. And then, this being provided for, the case cannot be supposed, that the king and the bishop, both doing their duty, can command things contrary. I do not say, but a temporal law may be against the canons of the church: but then we are to follow the civil law, because the power is, by the law of nature, supreme and imperial. The matter of the civil power and ecclesiastical is so wholly differing, that there, where either hath to do, it cannot contradict the other; but if they invade the rights of one another, then the question grows hard. But the solution is this;

24. If the bishop invades the right of the civil power, he is not at all to be obeyed; for he hath nothing to do there. But if the civil power invades

[c] Tom. de Vinc. Anathem.
[d] Concil. Later. consult. 2. sub Martino I.
[e] Apud. Baron. tom. 10. A. D. 904. n. 17.
[f] Dist. 10. cap. de Capitulis. 2. q. 7. cap. Nos si.
[g] 11. 9. 1. cap. Sicut enim sect. Ex his.
[h] 2. q. 2. sect. Item.
[i] Cap. 7.

the rights of the bishop, then they are either such rights, which are his by positive laws and human concession, or such which, by Divine appointment, are his due.

25. All those which are the bishop's rights by positive laws may by the same power be rescinded by which they were granted; and therefore if a king makes a law against the rights of the church, and the bishop protests against that law, the king and not the bishop must prevail. For "Neminem sibi imperare posse, et neminem sibi legem dicere, à quâ mutatâ voluntate nequeat recedere," say the lawyers. A man may change his will as long as he lives; and the supreme will can never be hindered; for "Summum ejus esse imperium, qui ordinario juri derogare valeat," is a rule in law; "He that is the supreme, can derogate by his power from an ordinary right," viz. by making a contrary law.

26. But if they be the rights of bishops and the ministers of religion by Divine appointment, then the bishop's command is to prevail, "cum conditione crucis:" that is, so as the subject must submit to the prince's anger, and suffer for what he cannot do, according to that of St. Austin; "Imperatores cum in errore sunt, pro errore contra veritatem leges dant, per quas justi et probantur et coronantur, non faciendo quod illi jubent, quia Deus prohibet;" "Mistaken princes make ill laws; but by them good men are tried and crowned, by not doing what God hath forbidden them." This is much more modestly expressed than that responsory in the Roman breviary,[k] speaking of the apostles: "Isti sunt triumphatores et amici Dei, qui contemnentes jussa principum meruerunt præmia æterna," "They have deserved eternal rewards by despising the commands of princes." The expression is hard: for though their impious laws are not to be obeyed, yet indefinitely it is not safe to say, their commands are to be despised. And none ever less despised the laws than they, who, because they could not obey them against God, yet obeyed them against themselves; by suffering death at their command, when they might not suffer a sin.

27. But then this also suffers diminution. For if the ecclesiastical power, in such things where their authority is proper and competent and divine, give any negative or prohibitive precepts, they may and they must be obeyed entirely; because every negative is indivisible, and hath neither parts nor time: and in this they are but proclaimers of the Divine commandment, which if it be negative, it can never be lawful to do against it. But in positive instances of commandment, though from Divine authority, (for that is the limit of the ecclesiastical power and authority,) if the king commands one thing and the bishop another, they are severally to be regarded according to the several cases. For the rule is this, —that all external actions are under the command of the civil power in order to the public government:—and if they were not, the civil power were not sufficiently provided for the acquiring the end of its institution: and then it would follow, that either the civil authority were not from God; (expressly against St. Paul;) or else all that God made were not good, as being defective from the end of its creation (expressly against Moses, and indeed against the honour of God). Now because external actions are also in order to religion internal, it happens that the spiritual power hath accidentally power over them. Here then is the issue of this inquiry: When an external action is necessary to the public service, and yet in order to religion at the same time, the positive commands of the spiritual superior must yield to the positive commands of the supreme civil power. For that which hath a direct power, is to be preferred before that which hath but an indirect power. Thus it is a Divine precept, that we should not neglect "the assembling of ourselves together." Upon the warranty of this, the guides of souls have power to command their flocks to meet at the Divine service; and they are tied to obey. But if, at the same time, the prince hath given command, that those persons, or some of those who are commanded to be at the Divine offices, be present on the guards or the defence of the city-walls, they are bound to obey the prince, and not the priest, at that time. For besides the former reason, when external actions are appointed by competent authority, they are clothed with circumstances, with which actions commanded by God, and in which ecclesiastics have competent authority, are not invested: and amongst these circumstances, time and place are the principal. And therefore it follows, that in external actions the command of the prince is always to be preferred before the command of the church; because this may stay, and that cannot: this is not by God determined to time and place, but that is by the prince; and therefore by doing that now, and letting this alone till another time, both ends can be served; and it were a strange peevishness of government (besides the unreasonableness of it) to cross the prince to show our power, when both may stand and both may be obeyed; if they did not crowd at the same narrow door together, there is time enough for them to go out one after another; and by a little more time, there will be a great deal of more room. I have heard, that when King James VI. of Scotland was wooing the Danish lady, he commanded the provost of Edinburgh and the townsmen upon a certain day to feast the Denmark ambassadors, and to show all the bravery of their town and all the splendour they could: of which when the presbytery had notice, they, to cross the king, proclaimed a fast to be kept in the town upon that very day. But the townsmen, according to their duty, obeyed the king: and the presbytery might have considered, that it was no zeal for God, that the fast was indicted upon that day; but God might have been as well served by the Tuesday fast as by the Monday. Thus if the ecclesiastic power hath admitted a person to ecclesiastic ministries or religions, if the supreme civil power requires his service, or if he be needed for the public good, he may command him from thence, unless there be something collaterally to hinder; as if the prince have sworn the contrary, or that the person required have abjured it by the prince's leave: but supposing him only bound by the eccle-

[k] De Communi Apost. r. 6.

siastic power, the supreme civil power is to prevail over it, as being the lord of persons and actions external. An instance of this was given by Mauritius the emperor, forbidding his soldiers to turn monks without his leave, though the law was made sore against the mind of St. Gregory, who was the bishop of Rome. And thus Casimire[1] king of Poland was taken from his gown, and invested with a royal mantle; and divers monks have been recalled into the employments of armies, or public counsels, or public governments.

28. But this also is to be understood with this provision. The supreme civil power hath dominion over external actions, so as to govern them for time and place and other circumstances. He can forbid sermons at such a time; he can forbid fasts or public solemnities and meetings when he please, when it is for the interests of government: and concerning any accident or circumstance and manner, he can give laws, and he must be obeyed. But he cannot give laws prohibiting the thing itself, out of hatred or in persecution of the religion: for then the ecclesiastic power is to command not only the thing, but the circumstances too. For the thing itself, it is plain; because it is a Divine commandment, and to this the spiritual power must minister, and no civil power can hinder us from obeying God: and therefore the apostles made no scruple of preaching Christ publicly, though they were forbidden it under great penalties. But then for the circumstances, they also, in this case, fall under the ecclesiastical power. If the prince would permit the thing, he might dispose of the accidents; for then he is not against God, and uses his right about external actions. But if he forbids the thing, they that are to take care that God be obeyed, must then invest the actions with circumstances; for they cannot be at all, unless they be in time and place: and therefore, by a consequent of their power over the thing, they can dispose the other, because the circumstances are not forbidden by the prince; but the thing, which being commanded by God, and not being to be done at all but in circumstances, they that must take care of the principal, must, in that case, take care also of the accessory. Thus we find the bishops, in the primitive church, indicting of fasts, proclaiming of assemblies, calling synods, gathering synaxes: for they knew they were obliged to see, that all that should be done, which was necessary for the salvation of souls and instruction of lives by preaching, and for the stabiliment of the church by assemblies and communions. Now the doing of these things was necessary, and for the doing of these they were ready to die; for that passive obedience was all, which they did owe to those laws, which forbade them under pain of death: for it was necessary those things should be done, it was not necessary they should live. But when the supreme civil power is christian, and does not forbid the thing, there is no danger that God shall not be obeyed by the prince's changing and disposing the circumstances of the thing; and therefore there can be no reason why the prince should be disobeyed, commanding nothing against God, and governing in that where his authority is competent. Thus if the supreme civil power should command, that the bishops of his kingdom should not ordain any persons, that had been soldiers or of mean trades, to be priests, nor consecrate any knight to be a bishop; though the bishops should desire it very passionately, they have no power to command or do what the civil power hath forbidden. But if the supreme should say there should be no bishops at all, and no ordination of ministers of religion according to the laws of Jesus Christ, then the question is not, whether the supreme civil power or the ecclesiastical is to be obeyed, but whether man or God: and in that case, if the bishops do not ordain, if they do not take care to continue a succession in the church of God, they are to answer for one of the greatest neglects of duty of which mankind is capable; always supposed, that the order of bishops is necessary to the church, and that ordination of priests by bishops is of apostolical institution, and that there is no univocal generation of church-ministers but by the same hands, which began the διὰ δοχῆ, "succession," and hath continued it for almost seventeen ages in the church. Of which I am not now to interpose my sentence, but to answer the case of conscience relying upon the supposition. This only I am to add, that supposing this to be necessary, yet it is to be done "cum conditione crucis," with submission to the anger of the laws, if they have put on unjust armour; and to be done with peaceableness, and all the arts of humility and gentleness, petition and wise remonstrances.

But there is yet one reserve of caution to be used in this case. If the civil power and the spiritual differ in this particular, the spiritual must yield so long, and forbear to do what is forbidden by their lawful supreme, until it be certain that to forbear longer is to neglect their duty, and to displease God. If the duty or if the succession can be any way supplied, so that the interest of religion be not destroyed, then cession or forbearance is their duty. And therefore if the king of Portugal should forbid consecrations of bishops in his kingdom not for a time, but for ever, the bishops were bound to obey, if they could be supplied from other churches, or if it were not necessary that God should have a church in Portugal, or if without bishops there could be a church. But if they be sure, that the bishops are the head of ecclesiastical union, and therefore the conservators of being; and if the remaining prelates are convinced, that God hath required it of them to continue a church in Portugal (as it is certain that by many regards they are determined there to serve God's church, and to provide for souls and for the religion of their charges); and if they could be no otherwise supplied with ecclesiastical persons of the order and ordination apostolical, as if other churches would not ordain bishops or priests for them but upon sinful conditions, and violation of their consciences: then the spiritual power is to do their duty, and the supreme civil power is to do their pleasure; and the worst that can come, is the crown of martyrdom, which whosoever gets, will be no

[1] A. D. 1040.

loser. And therefore I cannot, without indignation, consider it, that the pope of Rome, who pretends to be a great father of christians, should not only neglect but refuse to make ordinations and consecrations in that church: which if their prince should do, the bishops ought to supply it by their care; and therefore when the prince desires it, as it is infinite dishonour to the bishop of Rome to neglect or refuse, in compliance with the temporal interest of the king of Spain, so it is the duty of the bishops of Portugal to obey their prince. But I have nothing to do to meddle with any man's interest, much less that of princes: only the scene of this case of conscience happens now to lie in Portugal, and the consideration of it was useful in the determination of this present question.

29. But this question hath an appendant branch which is also fit to be considered. What if the civil laws and the ecclesiastical be contrary? as it happens in divers particulars: as if the prince be a heretic, an Arian or Macedonian, and happens to forbid the invocation of the Holy Ghost, or giving Divine honours to the Son of God, and the church hath always done it, and always commanded it. What is to be done in this case? This instance makes the answer easy: for in matters of faith, it is certain the authority and laws of God have made the determination; and therefore, in these and the like, the church is bound to do and to believe and to profess according to the commandment of God. But how, if the prince does not forbid the internal duty, (for in that his authority is incompetent,) but commands only that there should be no prayers to the Holy Ghost put into the public liturgies of the church? To this the answer is certain, That though, in all externals, the supreme civil power is to be obeyed, yet the spiritual power, in such cases, is tied to confess the faith which the prince would discountenance, and to take care, that their charges should plentifully supply, in all their private devotions, what is not permitted to them in public. And the reason of this is, not that they are tied to do any thing in opposition or scandal to the prince, but that they are in duty and charity to provide, lest the public discouragement and alteration of the circumstance of the duty do not lessen the duty internal and essential: and therefore they are to put so much more to the private, that they may prevent the diminution which is likely to come upon the private duty from the public prohibition.

30. But there are some civil laws, which are opposed to ecclesiastical, not by contrariety of sanction and command, "hinc inde," but by contrariety of declaration or permission respectively. Thus if the ecclesiastical laws have forbidden marriage in a certain degree, and the civil power hath permitted it, then the subject may more safely obey the power ecclesiastical; because, by so doing, he avoids the offending of religious persons, and yet disobeys no command of the prince; for no civil power usually commands a man to marry in a certain degree: and therefore when he is at liberty from the civil law, which, in this case, gives him no command, and he is not at liberty from the ecclesiastical law, which hath made a prohibition, he must obey the church: which if it had no power over him, could have made no law, and if it have a power, it must be obeyed: for, in the present case, there is nothing to hinder it. So it is in such things, which are permitted "for the hardness of men's hearts" or the public necessity. The permission of the prince is no absolution from the authority of the church. Supposing usury to be unlawful, as it is certain many kinds and instances of it are highly criminal, yet the civil laws permit it, and the church forbids it. In this case the canons are to be preferred. For though it be permitted, yet, by the laws, no man is compelled to be a usurer; and therefore he must pay that reverence and obedience, which are otherwise due to them, that have the rule over them in the conduct of their souls.

31. The case is alike in those laws, where the civil power only gives impunity, but no warranty. As in such cases, when laws indulge to a man's weakness and grief; as when it permits him to kill any man, that creeps in at his windows, or demands his purse of him on the highway, or to kill his adulterous wife, if he surprises her in the sin: if the civil power promises impunity, and does not intend to change the action from unlawful to lawful, as in some cases it does, in some it cannot; then, if there be any laws of the church to the contrary, they pass an obligation upon the conscience, notwithstanding the civil impunity. And there is great reason for this. For since the affairs of the world have in them varieties and perplexities besides, it happens that, in some cases, men know not how to govern by the strictest measures of religion, because all men will not do their duty upon that account; and therefore laws are not made "ut in Platonis republicâ," but as "in fœce Romuli," with exact and purest measures, but in compliance and by necessity, not always as well as they should, but as well as they may: and therefore the civil power is forced sometimes to connive at what it does not approve. But yet these persons are to be governed by conscience; and therefore it is necessary, that that part of the public government, which is to conduct our consciences more immediately, should give a bridle to that liberty, which, by being in some regards necessary, would, if totally permitted, become intolerable. And therefore the spiritual power puts a little myrrh into their wine, and supplies that defect, which, in the intrigues of human affairs, we bring upon ourselves by making unnatural necessities.

32. But then if it be inquired, whether it be lawful for the spiritual power by spiritual censures to punish those actions, which the civil power permits; I answer, that the church makes laws, either by her declarative and direct power, or by a reductive and indirect power: that is, she makes laws in matters expressly commanded by God or forbidden, or else in such things which have proportion, similitudes, and analogies, to the Divine laws. In the first, she is the declarer of God's will, and hath a direct power. In the second, she hath a judgment of discretion, and is the best judge of

"fit" and "decent." If the church declares an act to be against God's commandment, or bound upon us by essential duty, in that case, unless there be error evident and notorious, she is entirely to be obeyed: and therefore the refractory and the disobedient she may easily coerce and punish by her censures, according as she sees it agreeable and conducing to God's glory and the good of souls, although the civil power permits the fact for necessity or great advantages. And the reason is, because as the civil power serves the ends of the republic by impunity and permission, so there is another end to be served, which is more considerable, that is, the service of God and the interest of souls, to which she is to minister by laws and punishments, by exhortations and the argument of rewards: and as every power of God's appointment is sufficient for its own end, so it must do its own portion of duty, for which so competent provisions are made. And therefore the spiritual power may, in this case, punish what the civil power punishes not. With this only caution, if the civil power does not forbid the church to use her censures in such a particular case: for if it does, it is to be presumed, that such ecclesiastical coercion would hinder the civil power from acquiring the end of its laws, which the ecclesiastical never ought to do: because although her censures are very useful to the ends of the spiritual power, yet they are not absolutely necessary; God having by so many other ways provided for souls, that the church is sufficiently instructed with means of saving souls, though she never draw her sword. But the civil power hath not so many advantages.

33. But if the laws of the church are made only by her reductive and indirect power, that is, if they be such, that her authority is not founded upon the express law of God, but upon the judgment of discretion, and therefore her laws are concerning decencies and usefulnesses and pious advantages,—in this case, the church is not easily to proceed to censures, unless it be certain that there is no disservice nor displeasure done to the civil power. For it will look too like peevishness to cross the civil laws, where it is apparent there is no necessity, and no warranty from a Divine commandment. The church would not have her laws opposed or discountenanced upon little regards; and therefore, neither must she, without great necessity, do that which will cause some diminution to the civil laws, at least by interpretation.

34. And after all this, if it happens that the civil power and the ecclesiastical command things contrary, there is fault some where, and there is nothing to be done but to inquire on which side God is; for if he be not on the church's side by a direct law in the matter, he is not on the church's side for her relation, but on the king's side for his authority.

From the matter of the former question arises another like it.

Question VI.

Whether in the civil affairs and causes of the ecclesiastical power and persons, the presumption ought to lie for the king, or for the church.

35. This question must suppose the case to be dubious, and the matter equal on both sides as to the subject-matter: for else there needs to be no question, but judgment must be according to the merit of the cause: and it must suppose also, that neither of them will yield, but use their own right; for if either did, themselves would make an end of the question: but when both are in pretence, and the pretence is equal in the matter and the argument, and that the cause is to be determined by favour and privilege, whether is to be preferred? I do not ask which is to be preferred in law; for in that question, the laws and customs of a people are the rule of determination: but whether there be in conscience any advantage of presumption due to either.

36. To this I answer, that, in the most pious ages of the church, the presumption was ever esteemed to lie for the church, when the princes were christians: and when the question is of piety, not of authority,—of charity, not of empire,—it is therefore fit to be given to the church. 1. Because if the civil power takes it to itself, it is a judge and a party too. 2. Because whatever external rights the church hath, she hath them by the donation, or at least enjoys them by the concession, of the supreme civil power, who, in this case, by cession do confirm at least, and at most but enlarge, their donative. 3. Because the spiritual power is under the king's protection, and hath equal case with that of widows and orphans. It is a pious cause of the poor and the unarmed. 4. The king is better able to bear the loss, and therefore it is a case of equity. 5. The church is a relative of God and the minister of religion, and therefore the advantage being given to the church, the honour is done to God; and then, on the king's side, it would be an act of religion and devotion. 6. If the civil power, being judge, prefers the ecclesiastics in the presumption, it is certain there is no wrong done, and none hath cause to complain: but if it be against the ecclesiastics, the case is not so evident, and justice is not so secured, and charity not at all done.

37. And if it be thought, that this determination is fit to be given by a churchman, though it be no objection while it is true and reasonable, yet I endeavoured to speak exactly to truth, and for the advantage of the civil power, though the question is decided for the ecclesiastics. For in such cases, as the ecclesiastics will have advantage, if they in dubious cases never will contend, so the civil power will ever have the better of it, if in these cases they resolve never to prevail.

38. Although these inquiries have carried me a little further than the first intention of the rule, yet they were greatly relative to it. But I shall recall my reader to the sense and duty of it by the words of St. Gregory,[m] who says, that "Christus imperatori et omnia tribuit, et dominari eum non solum militibus, sed etiam sacerdotibus concessit:" "Christ hath

[m] Epist. 64. ad Theodorum Medicum.

both given all things to the emperor, and a power of dominion not only over the soldiers, but even over the priests themselves."—And that great wise Disposer of all things in heaven and earth,—who makes twins in the little continent of their mother's womb, to lie at ease and peace, and the eccentric motions of the orbs, and the regular and irregular progressions of the stars, not to cross or hinder one another, and in all the variety of human actions, cases, and contingencies, hath so wisely disposed his laws, that no contradiction of chance can infer a contradiction of duty, and it can never be necessary to sin, but on one hand or other it may for ever be avoided;—cannot be supposed to have appointed two powers in the hands of his servants to fight against, or to resist, each other: but as good is never contrary to good, nor truth to truth, so neither can those powers which are ordained for good. And therefore, where the powers are distinct, they are employed upon several matters; and where they converse about the same matter, as in external actions and persons they do, there one is subject to the other, and therefore can never be against it.

RULE VII.

The supreme civil Power hath Jurisdiction in Causes not only ecclesiastical, but internal and spiritual.

1. ΒΑΣΙΛΕΥΣ τῶν πρὸς τοὺς Θεοὺς κύριος, said Aristotle,[n] "Of things belonging to God, the king is the governor." Therefore besides that the supreme civil power is to govern all persons, and all actions and ministries which are directly external, it is to be considered, that actions internal, as they can be made public, have also influence upon the persons and lives, the fortunes and communities, of men: and therefore either are so far forth to be governed by them, who are governors of men in their lives and fortunes, in their societies and persons, that they may do good to them, or at least do no hurt.

2. Therefore, as the supreme princes and magistrates have, in several ages of the church, indulged to ecclesiastics a power of civil government, privileges and defensatives "in ordine ad spiritualia," that is, to enable them, with the help of the civil power, to advance the interests of religion and the spiritual men, which by evil men is apt to be despised, as all the threatenings of the gospel, and the terrors of death, and the horrible affrightments of the day of judgment, are: so God hath given to the supreme civil power authority over all public religion "in ordine ad bonum temporale." Princes and states did the other, but God did this. That was well, very well: but this is necessary, and that was not. The reason of both is this, because no external accident can hinder the intentions of God in the effects of religion and the event of souls. Religion thrives as well in a storm and in persecution, as in sunshine. God had more summer-friends under Constantine, but possibly as many true ones under Diocletian; or if he had not, it was men's fault, their weakness, not their necessity. But the civil interest can be really hindered by the intervening of new doctrines and false manners of worship; and the commonwealth, if it be destroyed, hath no recompence in eternity: and therefore God hath not called them happy when they are troubled, and hath not bidden them to suffer rebellion, or to rejoice when men "speak evil of dignities," and he hath not told them that "great is their reward in heaven;" but the whole purpose and proper end of the government being for temporal felicity, though that temporal felicity is, by the wisdom of God, made to minister to the eternal, the government expires in this world, and shall never return to look for recompence for its sufferings. But every single man shall; and though temporal power can be taken from princes, yet a man's religion cannot be taken from him; and therefore God hath given to princes a supreme power for the ordering of religion in order to the commonwealth, without which it had not had sufficient power to preserve itself; but he hath not given to ecclesiastics a power over princes in matter of government in order to spiritual things. 1. Because though spiritual things may receive advantage by such powers, if they had them,—yet they may do as much harm as good, and have done so very often, and may do so again. 2. Because God hath appointed to spiritual persons, spiritual instruments sufficient to the end of that appointment. 3. Because he hath also established another economy for religion, the way of the cross, and the beaten way of humility, and the defensatives of mortification, and the guards of self-denial, and the provisions of contentedness, and the whole spiritual armour, and prayers and tears, and promises, and his Holy Spirit, and these are infinitely sufficient to do God's work, and they are infinitely the better way. 4. Because religion, being a spiritual thing, can stand alone, as the soul can by itself subsist: and secular violence can no more destroy faith, or the spiritual and true worship of God, than a sword can kill the understanding. 5. Because if God had given a temporal power to ecclesiastics in order to a spiritual end, then he had set up two supremes in the same affairs, which could never agree but by the cession of one; that is, the two supremes could never agree but by making one of them not to be supreme.

3. And the world hath seen this last particular verified by many sad experiments. For when the Roman emperors, residing in the east, gave great powers and trusts to the patriarchs of the west, by their spiritual sword they began to hew at the head of gold, and lop off many royalties from the imperial stock. And Leo Iconomachus, for breaking down the images of saints, felt their power, for they suffered not the people to pay him tribute in Italy, threatening to interdict them the use of sacraments and public devotions, if they did. But as soon as ever they began by spiritual power to intermeddle in secular affairs, they quickly pulled the western empire from the east, and in a convenient time lessened and weakened that of the west. For Pope John III.

[n] Polit. lib. 3.

combined with Berengarius and Adalbar his son, against the emperor Otho the Great, and they must pretend themselves to be kings of Italy. Pope John XVIII. made a league with Crescentius, and stirred up the people against Otho III. Pope Benedict IX. excited Peter of Hungary to pretend to the empire, only to hinder Henry, surnamed Niger, from entering into Italy to repeat his rights. And all the world knows what Gregory VII. did to Henry IV., how he first caused Rodolph of Suevia, and afterward Egbert of Saxony to fight against him: and here their great quarrel was about the power of choosing the pope. Then they fell out about the collation of bishoprics: for which cause Pope Gelasius XII. caused the archbishop of Mentz to rebel against Henry V., and there the pope got the better of him, and by the aid of his Norman forces, which he had in Sicily, beat him into compliance. Then they fell out about some fees of the empire; and Innocent II. raised up Roger the Norman, against Lotharius XII. about the duchy of Pouille: and St. Bernard being made umpire in the quarrel, the pope got a share in Bavaria: for whoever lost, senior Papa, like the butler's box, was sure to get, by the advantage of his supreme conduct of religion, which, by this time, he got into his hands.

4. And now he improved it providently. For the same Innocent stirred up Guelphus, duke of Bavaria, against Conrad III. and thence sprang that dismal and bloody faction between the Guelphs and Ghibellines. But what should I reckon more? I must transcribe the Annals of Germany[o] to enumerate the hostilities of the Roman bishops against the emperors their lords, when they got the conduct and civil government of religious affairs into their power. Frederick Barbarossa, Henry VI., his brother Philip, Frederick II., Henry VII., Frederick of Austria, Lewis of Bavaria, Sigismund, Frederick II., felt the power of a temporal sword in a religious scabbard: and this was so certain, so constant a mischief, that when the pope had excommunicated eight emperors, and made the temporal sword cut off them whom the spiritual sword had struck at, the emperors grew afraid. And Rodolph of Haspurg, when he was chosen emperor, durst not go into Italy, which he called the Lion's den, because the entrance was fair, but few returning footsteps were espied. And it grew to be a proverb, with Guicciardini;[p] "Proprium est ecclesiæ odisse Cæsares," "The church hates Cæsar;" and the event was that which Carion complained of, "Scelestissimis pontificum, hoc imperium languefactum est:" "By the wickedness of the bishops of Rome, the Roman empire is fallen into decay."

5. These instances are more than enough to prove, that, if religion be governed by any hand with which the civil power hath nothing to do, it may come to pass, that the civil power shall have no hands at all, or they shall be in bands. The consequence of these is this, that if the supreme civil power be sufficient to preserve itself, it can provide against the evil use of the spiritual sword, and consequently can conduct all religion, that can by evil men be abused, so as to keep it harmless. If by excommunications the bishop can disturb the civil interest, the civil power can hold his hands, that he shall not strike with it; or if he does, can take out the temporal sting, that it shall not venom and fester. If, by strange doctrines, the ecclesiastics can alien the hearts of subjects from their duty, the civil power can forbid those doctrines to be preached. If the canons of the church be seditious or peevish, or apt for trouble, the civil power can command them to be rescinded, or may refuse to verify them and make them into laws. But that we may not trust our own reason only, I shall instance in the particulars of jurisdiction, and give evident probation of them from the authority of the best ages of the church.

6. And first in general, that kings or the supreme civil power is by God made an overseer, a ruler, a careful father, a governor, a protector, and provider for his church, is evident in the Scriptures, and the doctrine of the primitive ages of the church. "Nutritii et patres ecclesiæ," is their appellative, which we are taught from Scripture, "nursing fathers of the church."—"Pastores;" that is the word God used of Cyrus the Persian, "Cyrus my shepherd;" and when the Spirit of God, by David, calls to kings and princes of the earth to "kiss the Son lest he be angry:" it intends that as kings they should use their power and empire in those things, in which the Son will be worshipped by the children of men. For besides the natural and first end of government, which is temporal felicity, of which I have already spoken, there is also a supernatural, the eternal felicity of souls; and to this civil government does minister by the economy and design of God: and therefore it was well said of Ammianus,[q] "Nihil aliud est imperium (ut sapientes definiunt) nisi cura salutis alienæ." It is true in both senses: "Empire is nothing else (as wise men define it) but a power of doing good by taking care for the salvation of others." To do them good here, and to cause them to do themselves good hereafter, is the end of all government. And the reason of it is well expressed by the emperor Theodosius Junior to St. Cyril.[r] "Quandoquidem ut vera religio justâ actione perficitur, ita et respublica utriusque ope nixa florescit:" "As true religion is perfected by justice, so by religion and justice the republic does flourish;" and therefore he adds, "Deus optimus maximus pietatis et justæ actionis quoddam quasi vinculum nos esse voluerit," "The emperor is, by the divine appointment, the common band of justice and religion."

7. In the pursuance of this truth, Eusebius[s] tells, that Constantine the Great was wont to say to the bishops concerning himself, "Vos intra ecclesiam, ego extra ecclesiam à Deo episcopus constitutus sum;" "You within the church walls, and I without, but both of us are appointed by God to be bishops or overseers of his saints and servants." And in the edict of Valentinian and Martian, which

[o] Vide Luitpran. lib. 6. cap. 6. Cuspinian, et Theodoric. à Niem in Vitâ Othon. III.

[p] Lib. 39.

[q] Lib. 4. Chron.

[r] Apud Cyril. ep. 17.

[s] De Vitâ Constant. lib. 4. cap. 24.

approves the acts of the council of Chalcedon, they are both called "inclyti pontifices," "illustrious bishops:"—and the emperor Leo III. in his epistle to Gregory the bishop of Rome, says of himself, Ὅτι βασιλεὺς καὶ ἱερεύς εἰμι, "I am both a king and a priest;" meaning in office, not in order—in government, not in ministries. These and such-like words are often used in the letters interchanged between the princes and the bishops in the ancient church, of which that of Leo the Roman bishop concerning the French capitulars is remarkable, writing to Lotharius: "De capitulis vel præceptis imperialibus vestris vestrorum pontificum prædecessorum irrefragabiliter custodiendis et conservandis, quantum valuimus et valemus in Christo propitio, et nunc et in ævum nos conservaturos modis omnibus profitemur." It was a direct oath of supremacy. "Concerning the capitulars or imperial precepts given by you and your predecessors who were bishops, (viz. in their power and care over churches,) we, through the assistance of Christ, promise as much as we are able to keep and to conserve them for ever." The limit of which power is well explicated by St. Austin[t] in these words; "Quando imperatores veritatem tenent, pro ipsâ veritate contra errorem jubent; quod quisquis contempserit, ipse sibi judicium acquirit;" "When the emperors are christians and right believers, they make laws for the truth and against false doctrines; which laws whosoever shall despise, gets damnation to himself."

8. For if we consider that famous saying of Optatus, that "ecclesia est in republicâ, non respublica in ecclesiâ," "the church is in the commonwealth, not the commonwealth in the church,"—and the church is not a distinct state and order of men, but the commonwealth turned christian, that is, better instructed, more holy, greater lovers of God, and taught in the knowledge of our Lord Jesus; it is not to be imagined that the emperors, or supreme governors, should have the less care and rule over it, by how much the more it belongs to God. This fancy first invaded the servants, when they turned christians; they thought their masters had then less to do with them. The apostle tells them, as in the case of Onesimus, that it is true, they ought to love them better, but the other were not the less to be obedient: only there was this gotten by it, that the servants were to do the same service for the Lord's sake, which before they did for the laws. But it is a strange folly to imagine, that because a man hath changed his opinion, he hath therefore changed his relation; and if it were so, he that is weary of his master, may soon change his service by going to another tutor. Religion establishes all natural and political relations, and changes none but the spiritual: and the same prince, that governs his people in the time of the plague, is to govern them when they are cured; and the physician that cured them, hath got no dominion over them,—only "in regimine salutis," he is principal, he is to govern their health. The cases as to this are parallel between the soul and the body. And therefore the emperor Constans[u] declared his power and his duty too, "de omnibus curam agere et intendere quæ respicium ad utilitatem christianissimæ nostræ reipublicæ;" "to take care and to intend all things which regard the advantage of our most christian commonwealth:"—and Aimonius[x] tells of King Clovis, that, in one of the councils of Africa held at Clupea, he described his office and duty by these two summaries, "Publicis rebus consultores advocare, et ea quæ Dei et sanctorum ejus sunt, disponere;" "To consult about public affairs of the commonwealth, and to dispose of those things which belong to God and to his saints."

9. But the consideration of the particulars will be more useful in this inquiry, and first,

The supreme civil Power hath Authority to convene and to dissolve all Synods ecclesiastical.

10. This appears, 1. in that all the first councils of the church, after the emperors were christian, were convocated by their authority. The council of Nice was called by Constantine, as is affirmed by Eusebius,[y] Ruffinus,[z] Sozomen,[a] and Theodoret:[b] and when the Eusebians had persuaded Constantine to call a council at Tyre against Athanasius, the prince understanding their craft and violence, called them from Tyre to Constantinople:[c] and, by the same emperor, there was another council called at Arles. The council at Sardica,[d] in Illyria, was convened by the authority of the emperors Constans and Constantius, as the fathers of that synod themselves wrote in their letters to the Egyptians and Africans: and Liberius[e] the bishop of Rome, with many other bishops of Italy, joined in petition to Constantius to convocate a council at Aquilea,—not to suffer them to do it, but that he would,—for to him, they knew, it only did belong. Theodosius the emperor called the second general council at Constantinople; as Socrates, Sozomen, and Nicephorus relate: and the fathers of the council[f] write in their synodical constitutions, with this expression added, "Ea quæ acta sunt in sancto concilio, ad tuam referimus pietatem." —"Whatsoever was done in that synod, was wholly referred and submitted to the prince's piety."—The great Ephesine council, which was the third Œcumenical, was convened by Theodosius Junior,[g] "ex proprio munere et officio, et ex animi sui deliberatione," so himself affirms,—"out of his own free choice, according to his office, and his duty." But his rescript, by which he convened the council, is a most admirable letter, and contains in it a full testimony of the truth of this whole rule, and does excellently enumerate and imply all the parts of the imperial jurisdiction in causes of religion. The sum of which is in the preface[h] of that rescript in these words; "Our commonwealth depends upon piety

[t] Epist. 166.
[u] In Concil. Roman. sub Martino 1.
[x] Lib. 4. cap. 41.
[y] De Vitâ Constant. lib. 7. cap. 6.
[z] Lib. 1. Hist. cap. 1.
[a] Lib. 1. cap. 16.
[b] Lib. 2. Hist. cap. 5.
[c] Apud Athanas. Apol. 2.
[d] Apud Athanas. ibid.
[e] Theodor. lib. 2. cap. 16. in Dial. et Liberius in Epist. ad Hosium Cordub. apud Baron. tom. 3. A. D. 353. n. 19.
[f] Synod. Constit. Libell.
[g] Apud Cyril. Ep. 1.
[h] Epist. 17. apud Cyrillum.

[or religion] towards God, and between them both there is great cognation and society; for they agree together, and grow by the increase of one another: so that true religion does shine by the study of justice, and the commonwealth is assisted by them both. We therefore, being placed in the kingdom by God, having received from him the care both of the religion and the prosperity of the subject, have hitherto endeavoured, by our care and by our forces, to keep in perpetual union: and for the safety of the republic we are intent to the profit of our subjects, and diligently watch for the conservation of true religion; but especially we strive that we may live holily, as becomes holy persons, taking care, as it befits us, even of both; for it is impossible we should take good care of one, if we neglect the other. But above the rest, we are careful, that the ecclesiastical state may remain firm, so as is fit to relate to God, and to be in our time,—and may have tranquillity by the consent of all men, and may be quiet by the peace of the ecclesiastic affairs; and that true religion may be kept irreprovable, and the lives of the inferior clergy and the bishops may be free from blame. This is the sum of his duty, and the limit of his power, and the intention of his government."—And to these purposes he called a council, threatening punishment to any prelate, who was called, if he neglected to come. If the emperor took more upon him than belonged to him, he was near a good tutor that could well have reproved him, the fathers of the Ephesine council; but if he took upon him but what was just, this testimony alone is sufficient in this whole question. But he ended not so, but shortly after called another council in the same place, against the will of Pope Leo, who yet was forced to send his deputies to be assistant at it. But that council had an ill end: and to repair the wounds made to truth by it Pope Leo petitioned[l] the emperor for another to be held in Italy. But the emperor was then not much in love with councils, having been so lately deceived by one; and therefore put it off, and died; and his successor Martianus called one at Nice, but, changing his mind, had it kept in Chalcedon. I shall proceed no further in particular, but account it sufficient what Cardinal Cusanus[k] acknowledges: "Sciendum est, quod, in universalibus octo conciliis, semper invenio imperatores et judices suos cum senatu primatum habuisse." For this is more than the mere power of calling them; for that he might do upon many accounts: but "the emperors and his judges and council always had the primacy in the eight general councils."

11. As the emperors did convene, so they did dismiss, the ecclesiastical conventions; as appears in the acts of the Ephesine council, where the fathers petition the emperor, that he would free them from that place, and give them leave to wait upon him to see his face, or at least, he would dismiss them, and send them home to their own churches. The same petition was made by the bishops at Ariminum[l] to the emperor Constantius, and by the fathers at the council of Chalcedon[m] to Martianus. But these things did never please the Italians, after their patriarch began to set up for ecclesiastical monarchy: and they, as soon as they could, and even before their just opportunities, would be endeavouring to lessen the imperial power, and to take it into their own hands. But this is one of the things that grew to an intolerable mischief; and was not only against the practice of the best ages, and against the just rights of emperors, but against the doctrine of the church.

12. For St. Jerome[n] reproving Ruffinus, who had quoted the authority of some synod, I know not where, St. Jerome confutes him, by this argument, "Quis imperator jusserit hanc synodum congregari?" "There was no such synod, for you cannot tell by what emperor's command it was convened."—To this purpose there was an excellent epistle written by certain bishops of Istria to Mauritius the emperor,[o] enumerating from the records of the church the convention of ecclesiastical councils to have been wholly by the emperor's disposition; in which also they dogmatically affirm, "semper Deus præsentiâ christianorum principum contentiones ecclesiasticas sedare dignatur," "God does always vouchsafe to appease church quarrels by the presence of christian emperors:" meaning, that by their authority, the conciliary definitions passed into laws. But who please to see more particulars relating to this inquiry, may be filled with the sight of them in the whole third book of William Ranchin's Review of the Council of Trent.

The supreme civil Power hath a Power of external Judgment in Causes of Faith.

13. This relies upon the former reasons, that since propositions of religion and doctrines of theology have so great influence upon the lives of men, upon peace and justice, upon duty and obedience, it is necessary that the supreme civil power should determine, what doctrines are to be taught the people, and what to be forbidden. The princes are to tell what religions are to be permitted and what not; and we find a law of Justinian[p] forbidding anathematisms to be pronounced against the Jewish Hellenists; for the emperors did not only permit false religions by impunity, but made laws even for the ordering their assemblies, making ecclesiastical laws for enemies of true religion: so necessary it is for princes to govern all religion and pretences of religion within their nations. This we find in the civil law, in the title of the code "de Judæis," in many instances. A law was made by Justinian also, that none should be admitted into the Jewish synagogues, that denied angels, or the resurrection, or the day of judgment. Thus the civil power took away the churches from the Maximianistæ, because they were an under sect of the Donatists condemned

[l] In Concil. Chalced. act. 1. Scribens ad Dioscorum Alex. Leo. Epist. 21. tom. 1. Epist. Rever. Pat.
[k] De Concord. lib. 3. cap. 16.

[l] Vide etiam Baron. tom. 5. A. D. 441. n. 103. Theod. lib. 2. cap. 19, 20.
[m] Fine 6. act. [n] Apol. ad Ruffin. lib. 2.
[o] Apud Baron. A. D. 590. tom. 8. n. 40. [p] Novel. 146.

by their superiors. But then that the christian princes did this, and might do this and much more in the articles of true religion, is evident by many instances and great reason.

14. There is a title in the first book of the code, "Ne sacrosanctum baptisma iteretur," against the anabaptists. Charles the Great made a decree[q] against the worshipping of images, and gave sentence against the second Nicene council in that particular: and Sozomen reports, that Constantine cut off unprofitable questions, to prevent schisms in the church; which example our kings of England have imitated by forbidding public preachers or divines in schools to meddle in the curious questions of predestination. Thus the public laws of a nation often declare, who are, and who are not, heretics: and, by an act of parliament in England, they only are judged heretics, who for such were condemned by the four general councils. Upon this account many princes have forbidden public disputations in matters of religion: to this purpose there was a law of Leo[r] and Anthemius;[s] and Andronicus the emperor hearing some bishops disputing with some subtilty upon those words, "My Father is greater than I," threatened to throw them into the river, if they would not leave such dangerous disputations. Heraclius the emperor forbade any of those nice words concerning Christ to be used: some did use to say, that in Christ there was a single energy, some said there was a double; but the emperor determined the question well, and bade them hold their peace and speak of neither: for, as Sisinnius said to Theodosius, "Disputando de sacris accendi tantùm contentionem," "There is nothing got by disputations but strife and contention:" and therefore princes are the best moderators of churchmen's quarrels, because princes are bound to keep the peace. And consonantly to this Isidore[t] spake well; "Sanè per regnum terrenum cœleste regnum proficit, ut qui intra ecclesiam positi contra fidem et disciplinam ecclesiæ agunt, rigore principum conterantur, ipsamque disciplinam, quam ecclesiæ humilitas exercere non prævalet, cervicibus superborum potestas principalis imponat." The civil power advances the interests of the heavenly kingdom by punishing them, who sin against the faith and discipline of the church; if they be "intra ecclesiam," "within the church," their faith and manners both are subject to the secular judgment.

15. But not only so, but they are to take care to secure and promote the interest of truth: for though, as St. Paul says, "doubtful disputations do engender strife," yet we must "contend earnestly for the faith;" with zeal, but yet with meekness too: and therefore, that matters of faith and doctrines of good life be established, it is part of the prince's duty to take care.[u] According to which we find that when a rumour was spread that brought Pope Pelagius into suspicion of heresy, King Childebert sent Ruffinus to him to require him either to recite and profess the tome of St. Leo, in which there was a good confession of faith, or else that he should do the same thing in his own words. Pope Pelagius[x] sent this answer: "Satagendum est ut pro auferendo suspicionis scandalo obsequium confessionis nostræ regibus ministremus, quibus etiam nos subditos esse Sacræ Scripturæ præcipiunt;" "We must take care, that, for the avoiding suspicion, we exhibit to kings the duty of our confession: for to them the Holy Scriptures did command even us to be obedient." And not only for the faith of bishops and even of popes, but for their manners also, kings were to take care, and did it accordingly. Justinian[y] made laws, that bishops should not play at dice, nor be present at public spectacles; and he said of himself, "Maximam habere se solicitudinem circa vera Dei dogmata, et circa sacerdotum honestatem;" "that his greatest care was about the true doctrine of God, and the good lives of bishops."

16. I do not intend by this, that whatsoever article is by princes allowed, is therefore to be accounted a part of true religion; for that is more than we can justify of a definition made by a synod of bishops: but that they are to take care, that true doctrine be established; that they that are bound to do so, must be supposed competent judges what is true doctrine, else they guide their subjects, and somebody else rules them: and then who is the prince? By what means and in what manner the civil power is to do this, I am to set down in the next rule; but here the question is of the power, not of the manner of exercising it: and the answer is, that this power of judging for themselves and for their people is part of their right; that no article of religion can become a law, unless it be decreed by God, or by the prince; that the bishop's declaration is a good indication of the law of God, but that the prince's sanction makes it also become a law of the commonwealth: that the prince may be deceived in an article of religion, is as true as that he may be deceived in a question of right, and a point of law; yet his determination hath authority, even when a better proposition wants it: that error must serve the ends of peace, till, by the doctrines of the wiser ecclesiastics, the prince being better informed, can, by truth, serve it better.

[q] Vide l. Nemo. ff. de Summâ Trinitate.
[r] Nicet. Choniat.
[s] L. qui in Mon. C. de Episc. et Clericis.
[t] 23. q. 5. cap. Principes.
[u] Imperator, ut communis ἐπιστημονάρχης existens et nominatus, synodalibus præest sententiis et robur tribuit, ecclesiasticos ordines componit, et legem dat vitæ politiæque eorum qui altari serviunt. Et rursus ut uno verbo dicam, solo sacrificandi excepto ministerio, reliqua pontificialia privilegia imperator repræsentat. Demetr. Chomaten. in Resp. Orien.—Euagrius Leonis Imp. Concilii Chalced. approbationem vocat decisionem de fide, lib. 3. cap. 4. et cap. 5. videat lector totum hujus rei processum ex lib. 1. Heraclii. incip. Cum sanctus, inter constit. Imperial.—Cum Sanctus (inquit) Sophronius, tunc summo sacerdotio fungens Hierosolymis, subjectis sibi sacerdotibus convocatis synodicè demonstrasset, eos qui, unam in duabus Christi naturis voluntatem atque energiam affirmarent, palam unam quoque naturam statuere, eique Johannes Papa Romanus assensus esset, imperator edictum proponit, neque singularem, neque duplicem in Christo energiam esse asserendam.
[x] 25. q. 1. cap. Satagendum.
[y] Novel. 123. cap. 10.

RULE VIII.

supreme civil Power is to govern in Causes ecclesiastical, by the Means and Measures of Christ's Institution, that is, by the Assistance and Ministries of ecclesiastical Persons.

. KINGS are supreme judges of the law; for "cuest loqui, ejus est interpretari;" "he that speaks, t knows his own meaning:" and the lawgiver ertainly his own best interpreter. But in cases ere there is doubt, the supreme civil power speaks them, whose profession it is to understand the s. And so it is in religion. The king is to ly the law of God; "nec hoc illi dictum ut totus alieno ore pendeat, ipseque à se nihil dijudicet," l that learned prelate of Winchester;[z] "not that should wholly depend in religion upon the sen-es of others, but be able of himself to judge." where there is difficulty, and that it be fit that difficulty be resolved, there the supreme civil er is to receive the aid of the ecclesiastic, from ose mouth "the people are to require the law," whose lips, by their office and designation, are preserve knowledge." The doctors of the Jews , that when Jephthah had made a rash vow, he ght have been released if he had pleased: for if a se had first met him, he had not been bound to e offered it to God; but it must have been sold, l a sacrifice be bought with the price; and much re must a man or a woman have been redeemed. t because Jephthah was a prince in Israel, he ld not go to Phinehas the high priest to have l his vow interpreted, commuted, or released. ither would Phinehas go to him, because he was to offer his help, till it was implored. Phinehas did go to Jephthah, for he had no need, he had no siness; and Jephthah would not go to Phinehas, ause he was the better man. In the mean time virgin died, or, as some say, was killed by her her: but both prince and priest were punished, phthah with a palsy, and Phinehas was deprived the Spirit of God. For when the prince needs priest, he must consult him; and whether he sults him or no, the priest must take care that evil be done by the prince, or suffered by him for nt of counsel.

2. But the prince's office of providing for religion, l his manner of doing it in cases of difficulty, are ely well discoursed of by Theodosius the younger, a letter of his to St. Cyril, of which I have forrly mentioned some portions:—"Pietatis doctrim in sacrâ synodo in utramque partem ventilatam tenus obtinere volumus, quatenus veritati et rationi nsentaneum esse judicabitur;" "The doctrine of dliness shall be discussed in the sacred council, d it shall prevail or pass into a law so far, as shall judged agreeable to truth and reason:"—where e emperor gives the examination of it to the bishop, whose office and calling it does belong: but the dgment of it and the sanction are the right of the mperor, who would see the decrees should be established, if they were true and reasonable. The judgment, I say, was the emperor's, but in his judgment he would be advised, taught, and established, by his bishops. "Sed nec eam doctrinam indiscussam patiemur; cui dijudicandæ eos præfici oportet qui sacerdotiis ubivis gentium præsident, per quos et nos quoque in veritatis sententiâ stabilimur, et magis magisque identidem stabiliemur;" "That doctrine that is in question, we will not suffer to escape examination; but those shall be presidents of the judgment, who, in every nation, are the appointed bishops, by whom we also ourselves are confirmed in the true religion, and hope every day to be more and more established.

3. When the supreme power hath called in the aid and office of the ecclesiastic, good princes use to verify their acts accordingly, to establish their sentences, to punish the convict, to exterminate heretics and suppress their doctrines. Thus Honorius and Arcadius the emperors, by an edict repressed Pelagius and Celestine, whom the bishops had condemned; Constantine, after the sentence of the Nicene fathers against Arius, banished him.[a] Theodosius, the elder, having diligently conferred with the orthodox bishops, and heard patiently what the others could say,—by a law forbade them to have public assemblies, who denied the consubstantiality of the Son with the Father. "Per consilium sacerdotum et optimatum ordinavimus, constituimus, et diximus;" it was the style of King Pepin in the council of Soissons. And of this nature the instances are very numerous. For "semper studium fuit orthodoxis et piis imperatoribus pro tempore exortas hæreses per congregationem religiosissimorum archiepiscoporum amputare, et rectâ fide sincerè prædicatâ in pace sanctam Dei ecclesiam custodire," said Theodorus Silentiarius:[b] "All the pious and orthodox emperors did use this instrument and manner of proceeding, for the cutting off heresies, and the sincere publication of the faith, and the conservation of the church in peace."

4. But that this manner of empire may not prejudice the right of the empire, it is to be observed, that, in these things, the emperors used their own liberty, which proved plainly they used nothing but their own right. For sometimes they gave toleration to differing sects, sometimes they gave none; sometimes they were governed by zeal, and sometimes by gentle counsels; only they would be careful, that the disputes should not break the public peace: but for their punishing recusants and schismatics they used their liberty; so we find in the acts of the great Ephesine council, that Theodosius II. resolved of one, but not upon the other. "At verò sive illi veniam impetraturi sint, qui à patribus victi discedent, sive non, nos sanè civitates simul et ecclesias conturbari nequaquam sinemus;" "Whether those who are convict of heresy by the fathers shall be pardoned yea or no, yet we will be sure not to suffer the republic or the churches to be disturbed."

5. This I observe now in opposition to those bold pretences of the court of Rome, and of the presbytery, that esteem princes bound to execute

[z] Tortur. Tort. [a] Sozom. lib. 7. cap. 12. [b] In 5. Synod. Constant.

their decrees, and account them but great ministers and servants of their sentences. Now if this be true, then princes must confirm all that the clergy decrees: if all, then the supreme prince hath less than the meanest of the people, not so much as a judgment of discretion; or if he have, it is worse; for he must not use his discretion for the doing of his duty, but must, by an implicit faith and a blind brutish obedience, obey his masters of the consistory or assembly. But if he be not bound to confirm all, then I suppose he may choose which he will, and which he will not: and if so, it is well enough; for then the supreme judgment and the last resort are to the prince, not to his clerks. And that princes are but executioners of the clergy's sentences is so far from being true, that we find Theodosius[c] refusing to confirm the acts of the great Ephesine council: for having been informed, though falsely, that affairs were carried ill, he commanded the bishops to resume the question of the Nestorians: for their acts of condemnation against them he made null, and commanded them to judge it over again, and that till they had done so, they should not stir to their bishoprics. The ministry was the bishop's all the way, but the external judgment and the legislative was the prince's. So Charles the Great reformed the church;[d] "Episcopos congregavi," &c. "I convocated the bishops to counsel me how God's law and christian religion should be recovered. Therefore by the counsel of my religious prelates and my nobles, we have appointed bishops in every city, and Boniface their archbishop, and appoint that a synod shall be held every year, that in our presence, the canonical decrees and the rights of the church may be restored, and christian religion may be reformed." But because this must be evident as a consequent of all the former discourses upon this question; it will be sufficient now to sum it up with the testimony of St. Austin[e] writing to Emeritus the Donatist: "Nam et terrenæ potestates, cum schismaticos persequuntur, eâ regulâ se defendunt, quia dicit apostolus, Qui potestati resistit, Dei ordinationi resistit—non enim frustra gladium portat;" "When the civil power punishes schismatics, they have a warrant from an apostolical rule, which says, 'He that resists, resists the ordinance of God: for they bear not the sword in vain.'" It is not therefore by a commission or a command from the church that they punish schismatics, but "constituunt adversus vos pro suâ solicitudine ac potestate quod volunt;" "they decree what they please against them according to their own care and their own power."

6. So that when it is said, that princes are to govern their churches by the consent and advice of their bishops, it is meant not "de jure stricto," but "de bono et laudabili:" it is fit that they do so, it is the way of Christ's ordinary appointment: "He that heareth you heareth me;" and to them a command is given, "to feed all the flock of Christ." In pursuance of which, it was a famous rescript of Valentinian I. cited by St. Ambrose,[f] "In causâ fidei vel ecclesiastici alicujus ordinis eum judicare debere, qui nec munere impar sit, nec jure dissimilis." These are the words of the rescript: that is, he would that "bishops should judge of bishops; and that in causes of faith or the church their ministry should be used, whose persons, by reason of the like employment, were most competent to be put in delegation." But to the same purpose, more of these favourable edicts[g] were made in behalf of the church by Theodosius and Valentinian II., by Arcadius, Honorius, and Justinian: and indeed, besides that it is reasonable in all cases, it is necessary in very many; because bishops and priests are the most knowing in spiritual affairs, and therefore most fit to be counsellors to the prince, who oftentimes hath no great skill, though he have supreme authority. I remember that when Gellius the prætor was sent proconsul into Greece,[h] he observed that the scholars at Athens did perpetually wrangle and erect schools against schools, and divided their philosophy into sects; and therefore sending for them, persuaded them to live quietly and peaceably, and to put their questions to reference or umpirage, and in it offered his own assistance: but the scholars laughed at his confident offer to be a moderator in things he understood no more than his spurs did. He might have made them keep the peace, and at the same time make use of their wit and his own authority. And although there may happen a case, in which princes may, and a case in which they must, refuse to confirm the synodical decrees, sentences, and judgments of ecclesiastics; yet, unless they do with great reason and upon competent necessity, they cannot do it without great scandal, and sometimes great impiety. But of this I shall discourse in the next chapter. For the present I was to assert the rights of princes, and to establish the proper foundation of human laws; that the conscience may build upon a rock, and not trust to that, which stands upon sand, and trusts to nothing.

7. I have been the larger upon these things, because the adversaries are great and many, and the pretences and the challenges high, and their opposition great and intricate, and their affrightments large; for they use something to persuade and something to scare the conscience. Such is that bold saying of Pope Leo X.;[i] "A jure tam Divino quam humano laicis potestas nulla in ecclesiasticas personas attributa est;" "Both by Divine and human laws ecclesiastics are free from all secular power."—But fierce and terrible are the words of the Extravagant "unam sanctam:" "Porro subesse Romano pontifici omnem humanam creaturam declaramus, dicimus, definimus et pronunciamus omnino esse de necessitate salutis;" "That every man should be subject to the bishop of Rome, we define, we say, we declare and pronounce, to be altogether necessary to salvation." This indeed is high; but

[c] Apud Acta Concil. Ephes. in liter. Theod. ad Synod.
[d] Apud Surium Die 5. Jun.
[e] Epist. 164.
[f] Lib. 5. Epist. 32.
[g] Lib. 1. Cod. Theod. de Relig. Novel. Valen. de Epis. Jud. lib. Graviter, ibid. novel. 89.
[h] Cicer. lib. 1. de Leg.
[i] Concil. Later. sub Leon. X.

how vain withal and trifling and unreasonable I have sufficiently evidenced. So that now the conscience may firmly rely upon the foundation of human laws, and by them she is to be conducted, not only in civil affairs, but in ecclesiastical, that is, in religion as well as justice: and there is nothing that can prejudice their authority, unless they decree against a law of God: of which because ecclesiastical persons are the preachers and expositors by ordinary Divine appointment, princes must hear bishops, and bishops must obey princes: or because "audire et obedire," "to hear and to obey," have great affinity, I choose to end this with the expression of Abbot Berengar,[k] almost eleven hundred years ago: Sciendum est quod nec catholicæ fidei nec christianæ contrarium est legi, si, ad honorem regni et sacerdotii, rex pontifici et pontifex obediat regi;" "It is neither against the catholic faith, nor the christian law, that the prince obey the bishop, and the bishop obey the prince:" the first is an obedience of piety, and the latter of duty; the one is justice, and the other is religion.

CHAPTER IV.

OF THE POWER OF THE CHURCH IN CANONS AND CENSURES, WITH THEIR OBLIGATIONS AND POWERS OVER THE CONSCIENCE.

RULE I.

The whole Power which Christ hath left in ordinary to his Church, is merely spiritual.

1. THAT there are great things spoken by the doctors of the primitive church, of the ecclesiastical or spiritual power, is every where evident, and that there are many expressions which prefer it above the secular: all which I shall represent instead of others in the words of St. Chrysostom,[a] because of them all he was the most eloquent, and likeliest in the fairest imagery to describe the powers of his order:—"Others are the limits of the kingdom, others of the priesthood; for this is greater than that; and you must not estimate it by the purple and the gold. The king hath allotted to him the things of this world to be administered; but the right of priesthood descendeth from above. 'Whatsoever ye shall bind on earth, shall be bound in heaven.' To the king is committed what is here below; to me, that is, to the bishop, things celestial. The bodies are intrusted to princes, but the souls to bishops. The king remits the guilt of bodies, but the bishop the guilt of sins. The prince compels, the bishop exhorts. He governs by necessity, but we by counsel; he hath sensible armour, but we spiritual weapons; he wageth war against the barbarians, but we against the devil. Here then is a greater principality. For which cause the king submits himself to the priest's hand, and every where in the Old Testament the priests did anoint kings."—Where, by the way, though it be not exactly true that the kings of Israel and Judah were always anointed by priests,[b] but sometimes by prophets who were no priests, as in the case of Jehu;—yet, supposing all that, the discourse is true enough, and the spiritual power in relation to a nobler object is in that regard better than the temporal: and therefore, is in spiritual account in order to a spiritual end above that, which serves the less excellent. But the effect of this discourse is, that kings are subject to bishops, just as the princes of Israel were to those that anointed them; that is, they came under their hands for unction, and consecration, and blessing, and counsel, and the rites of sacrifice. And all this is very true; and this is all that was or could be intended by St. Chrysostom, or those other eminent lights of the primitive church, who set their order upon a candlestick, and made it illustrious by the advantage of comparison. The advantages are wholly spiritual, the excellencies are spiritual, the operations are spiritual, and the effects are spiritual; the office is spiritual, and so is all the power. But because the persons of the men in whom this spiritual power is subjected, are temporal as well as princes, and so are all their civil actions, therefore whatever eminence they have for their spiritual employment, it gives them no temporal advantage; that comes in upon another stock: but for the spiritual, it is as much as it is pretended; but then it is no more.

2. For it is purely spiritual. Where any thing of temporal is mingled with it, it is not greater in that, but subject to the temporal power. Without this, there could never be peace: and where the jurisdiction of two courts does interfere, there are perpetual wranglings. But God, having ordained two powers, hath made them both best; and yet so that both of them are inferior: but because it is in differing powers, they both rule in peace, and both obey with pleasure. How the ecclesiastic state is subject to the civil, I have largely accounted: now I am to describe the eminences, powers, advantages, and legislations, of the spiritual; concerning which we shall have the best light, if we rightly understand the nature and quality of the power.

3. "As my Father sent me, so send I you," said Christ to his apostles. Now it is plain how the

[k] Lib. de Myster. Sign. in Biblioth. Sanct. Patr.

[a] Hom. lib. 4. ex verb. Isaiæ. [b] 2 Kings ix. 4.

Father was pleased to send his Son; with humility and miracles, with a low fortune and a great design, with poverty and power, with fulness of the Spirit and excellency of wisdom. That was the manner. The end was, the redemption of man; the conquering of the devil; the preaching of the gospel; the foundation of the church; the instruction of faith; the baptizing converts; the reformation of manners; the extirpation of sin. This was the entire end, and that was the just manner in which Christ was sent into the world; and since his apostles and their successors were to pursue the same ends and no other, they were furnished with the same power: and Christ gave them the Holy Ghost; and gave them commandment and power to teach all nations, to baptize them, to bind and to loose, to minister his body and his blood, to exhort and to reprove, to comfort and to cure, to make spiritual separations of the vile from the precious. This is the sum of all the commissions they had from Christ.

4. This power, and these commissions, were wholly ministerial without domination, without proper jurisdiction, that is, without coaction; it being wholly against the design of the religion, that it should be forced; and it being far removed from persons so disposed, so employed, so instructed, to do it. And therefore one of the requisites of a bishop is μὴ εἶναι πλῆκτικὸν, "he must be no striker:" he had no arms put into his hand to that purpose; the ecclesiastic state being furnished with authority, but no power, that is, "auctoritate suadendi, non jubendi potestate" (that I may use the expression in Tacitus); "an authority to persuade and to rebuke, but no power to command," as the word is used in the sense of secular dominion.

5. Concerning which, that the thing be rightly understood, we must first truly understand the word. Accursius[c] defines jurisdiction to be "potestatem de publico introductam cum necessitate juris dicendi et æquitatis statuendæ;" "a public power of doing right and equity."—It is "potestas ad jus dicendum," so Muscornus Cyprius; "a power of giving sentence in causes between party and party."—But we shall best understand the meaning of "jurisdictio" by that place of Cicero:[d] "quid ergo istius in jure dicendo libidinem demonstrem? Quis vestrum non ex urbanâ jurisdictione cognovit? Quis unquam, isto prætore, Chelidone invitâ, lege agere potuit?—Judices citari jubet: jubet citari Heraclium: citatur reus Sopatrus: Sthenium citari jubet: atque, ut aliquando de rebus ipso cognitis, judicatis, et de judicibus datis desistamus dicere," &c. From which words it is plain, that jurisdiction is a power of magistracy to summon the parties, to hear their cause, and to give sentence. And therefore in Suetonius we often find these expressions, "Imperatorem jus dixisse, cognovisse, judicasse," "The emperor took cognizance, did judge, did give sentence," that is, did exercise jurisdiction. Empire is always included under jurisdiction; and it is divided into a cognition of capital and pecuniary causes, as appears plainly in the title of the code "de Jurisdictione," which handles both causes; and Asconius Pædianus, in his argument upon the fourth action against Verres, proves expressly, that capital actions are part of jurisdiction. To which purpose is that of Suetonius[e] in the life of Augustus; "Dixit autem jus non diligentiâ modo summâ sed et lenitate, siquidem manifesti parricidii reum, nec culleo insueretur, quod non nisi confessi afficiebantur hâc pœnâ," &c. But of this there is no question. Now of jurisdiction thus understood, it is evident that the ecclesiastic state hath no right derived to them from Christ,—that is, no power to punish any man corporally, or to compel him to answer in criminal causes; they have no power of the sword, no restraint upon the body: but having care of souls, which cannot be governed by force, they are to govern as souls can be governed, that is, by arguments and reason, by fear and hope, by preaching of rewards and punishments, and all the ways of the noblest government, that is, by wisdom, and by the ways of God.

6. This appears in the apostle's description of their own office and power. "What is Paul,[f] and what is Apollos, but ministers by whom ye believed?" "ministers of Christ," "stewards of the mysteries of Christ:" "To us is committed the word of reconciliation;"[g] "We are ambassadors for Christ;"[h] οὐ κυριεύοντες, we are "not lords over the flock;"[i] but "as though God did beseech you by us, we pray you, in Christ's stead, to be reconciled to God." Thus Christ set them over the household,[k] not to strike the servants, but "to give them their meat in due season;" that is, as Optatus[l] expresses it, to minister the food of God's word and sacraments to the servants of the family:—"Nolite vobis majestatis dominum vindicare; nam si ita est, vindicent sibi et ministri, qui mensæ dominicæ famulantur, ut pro humanitate exhibita ab invitatis gratulatio eis referatur—Est ergo in universis servientibus non dominium sed ministerium:" "Therefore esteem not yourselves to have any thing but the ministry and service, nothing of dominion."—And indeed we need challenge no more: it is honour enough to serve such a prince, to wait at such a table, to be stewards of such a family, to minister such food. This service is perfect freedom; and that is more than can be said of the greatest temporal dominion in the world. "Principes ecclesiæ fiunt ut serviant minoribus suis, et ministrent eis quæcunque acceperunt à Christo."[m] The same with the words of Christ, "He that is greatest amongst you, let him be your minister." "For the honours[n] in christian religion at first looked like dignities; but indeed they are not divers honours, but divers services: as it seems to be an honour to the eye, that it enlightens the whole body, but it is not its honour, but its ministry; so it is amongst the saints; it is not his honour, but his act. And so is the apostleship thought to be a great dignity, but it is not so; but it is his ministry. For so

[c] In lib. 1. in Verbo Potest. FF. de Jurisdict.
[d] Orat. in Verrem, 4. [e] Cap. 33. [f] 1 Cor. iii.
[g] 2 Cor. v. 18. [h] 2 Cor. v. 20.
[i] 1 Pet. v. 3. [k] Luke xii.
[l] Lib. 5. contra Parmen.
[m] Homil. 35. in Matt. apud Chrysost. [n] Ibid.

St. Paul[o] says, 'If I preach the gospel, it is no glory to me; for necessity is laid upon me, and woe is unto me if I do not preach the gospel; for if I do it willingly, I have a reward; but if unwillingly, there is nothing but a stewardship intrusted to me.'" The consequent of this discourse is this, in the words of the same father, "Quicunque desiderat primatum in terrâ, inveniet confusionem in cœlo," "Whosoever desires primacy" (meaning amongst the ecclesiastics, and by virtue of their order and office) "upon earth, shall find confusion in heaven."

7. But this is most expressly and clearly taught by the fathers of the church. So St. Chrysostom Nazianzen;[p] "He that is set over others, (speaking of bishops,) laying behind him every sin, must proceed in godliness; so that by the example of his spiritual growth, he may draw others unto virtue, especially by that form of humility, which was delivered to us by the Lord; "non enim oportet vi vel necessitate constringere, sed ratione et vitæ exemplis suadere," "for no man is to be constrained by force or by necessity, but persuaded by reason and good examples."—And thus St. Jerome[q] distinguishes the ecclesiastical power from the regal: "Ille nolentibus præest, hic volentibus: ille terrore subjicit, hic servituti donatur: ille corpora custodit ad mortem, hic animas servat ad vitam:" "The king governs whether men will or no: the bishop none but the willing. He subdues them by terror; but the bishop is but the servant of the people's souls. The king keeps bodies reserved for death; but the bishop takes care of souls that they may live eternally."—Upon this account St. Chrysostom[r] considers the great difficulty there is in the discharge of the episcopal office, and affirms it to be more troublesome than that of kings; as much as the rage of the sea in a tempest is greater than the curlings of a troubled river:—and he gives this reason for it; "Quoniam illic plures sunt qui adjuvant, eo quod legibus ac mandatis omnia peraguntur: hic verò nihil tale, neque enim licet ex auctoritate præcipere," "Because there are more helpers in the secular government: for all things are transacted by laws, and by commandments: but here (meaning, in the ecclesiastic state)—there is no such thing; for it is lawful, but we have no authority to command any thing."—For[s] "in potestate subjectorum est obedire vel non." They are not domestics, they are not properly subjects, but "obedientiam habentes in suâ ipsorum potestate," "they have their obedience in their own power:"[t] they may if they will, and they shall have a good reward; but if they will not, they may choose. For with this power, and upon these terms, "the Holy Ghost hath made them overseers to feed," not to rule, "the church of God," that is, not to rule by empire, but by persuasion. And this is intimated by the epistle[u] to the Hebrews; "Obey them that are set over you, and submit yourselves; for they watch for your souls: that they may do it with joy, not with grief; for that is unprofitable for you:"—that is, submit yourselves to your spiritual rulers, cheerfully and willingly: if you do not, they can have no comfort in their ministry; it will grieve them to find you refractory, and you will be the losers by it, for their grief will do you no profit. Now if these rulers had a power of coercion, he could quickly make them willing, and the στεναγμὸς, "the anguish" would fall upon the disobedient.—The same precept is in the epistle to the Thessalonians,[x] where the words do themselves expound the nature of the government; "We beseech you, brethren, to know them which labour amongst you, and are over you in the Lord, and admonish you, and to esteem them very highly in love for their works' sake." And immediately after,[y] he calls them "in partem solicitudinis," "into a participation of this rule:" Νουθετεῖτε ἀτάκτους, "We beseech you, brethren, to admonish," or to warn, to reprove "them that are unruly:"—that is, you must help us in our government: we are over you to admonish you, but you must admonish one another: that will help our work forward when you are willing. But "they which are over you," must be highly esteemed, not for their dignity, but for their works' sake, not in fear, but "in love;" for they are over you not by empire, but by discourses,—not by laws, but by exhortation. And certainly this is the best government in the world; that the people of God, "sit populus voluntarius," should serve God with reason and choice, with love and pleasure, and eternity of satisfaction. And this is observed also by St. Chrysostom: "The princes of this world (saith he) are so much inferior to this spiritual power, by how much it is better to rule over the wills of men, than over their bodies:" and that is the state of ecclesiastical government, concerning which who please to see much more, may, with pleasure, read it in St. Chrysostom, in his first homily upon the epistle to Titus, and the eleventh homily upon the epistle to the Ephesians, and in his second book "of Priesthood."

8. Now against this it will not be sufficient to oppose any precedents of government under the Old Testament. He there that did not obey the word of the high priest, was to die the death;[z] for they had ἀναγκαστικὴν δικαιοκρισίαν, a true, proper, formal jurisdiction given them by God: and when Moses sat in judgment, συνέδρενον ἱερεῖς, saith Philo, "the priests were his assessors:"—and "Judæis sacerdotii honos firmamentum potentiæ erat;" "The honour of the Jewish priesthood was a great establishment to the power of the nation," saith Tacitus. For the priests were ἐπίσκοποι, "bishops," and judges of controversies, and by the law appointed to inflict punishment upon criminals; said Josephus.[a] But, in the gospel, there was no such thing. The Jewish excommunications were acts of power and a mixed empire; ours are securities to the sound part, and cautions against offenders. Their preachings were decrees sometimes; ours can be but exhortations and arguments to persuade and invite consent.

9. But neither can it be denied but that the

[o] 1 Cor. ix. 16, 17.
[p] In Apologet.
[q] In Epitaph. Nepot. Ep. 3.
[r] Homil. 3. in Acta Apost.
[s] Homil. 3. in Tit.
[t] Hom. 3. in Acta.
[u] Heb. xiii. 17.
[x] 1 Thess. v. 12.
[y] Ver. 14.
[z] Deut. xvii. 12.
[a] Contr. Appion. lib. 11. cap. 6.

apostles did, sometimes, actions of a delegate jurisdiction. Thus St. Peter gave sentence of death against Ananias and Sapphira; St. Paul inflicted blindness upon Elymas the sorcerer, and delivered Hymenæus and Alexander and the incestuous Corinthian to be buffeted by Satan; and St. John threatened to do the like to Diotrephes. That this was extraordinary, appears by the manners of animadversion, which were by miracle and immediate Divine judgment: for those which were delivered to Satan, were given up to be corporally tormented by some grievous sickness or violence of an evil spirit, as St. Chrysostom, [b] St. Ambrose, [c] St. Jerome, and divers others of the [d] fathers do affirm. But therefore this was an act of Divine jurisdiction, not of apostolical; it was a miraculous verification of their Divine mission, seldom used, not by ordinary emission of power, but by an extraordinary spirit: for so St. Paul [e] threatened some criminals in the church of Corinth, that if he did come, he would not spare them; but it was because they made it necessary by their undervaluing of his person and ministry: "Since ye do so, since ye do look for a sign and proof of Christ speaking in me, you shall have it." It is not St. Paul's ordinary power, nor his own extraordinary, but δοκιμὴ Χριστοῦ, "an experiment of Christ's power," who was pleased to minister it by St. Paul, as well as by any other apostle: something like those words of our blessed Saviour, "An evil and adulterous generation seeketh after a sign; and the sign of the prophet Jonas shall be given them:" But then there was great necessity: and some prodigious examples were to be made to produce the fear of God and the reverence of religion, that the meanness and poverty of the ministers might not expose the institution to contempt: and because the religion was destitute of all temporal coercion, and the civil power put on armour, not for it, but against it, therefore God took the matter into his own hand, and by judgment from heaven verified the preachings apostolical. Thus when the Corinthians [f] did use the Lord's supper unworthily, God punished them with sickness and with death, as the apostle himself tells them: for to denounce them after, and to pronounce them before, were equal actions of ministry, but equally no parts of jurisdiction. This way continued in the church, though in very unfrequent examples, till the emperors became christians, and by laws and temporal coercions came to second the word of ecclesiastical ministry. For St. Cyprian [g] tells of some persons, who being afflicted with evil spirits, were cured at their baptism, who afterwards, upon their apostasy from the faith, were afflicted again, and again fell into the power of the devil: "recedente siquidem disciplinâ recessit et gratia;" when they forsook Christ, himself took the matter into his own hand, and was not wanting, by an act of his own jurisdiction, to declare that he was their Lord, and would be honoured by them or upon them.

10. And this was "the rod," that St. Paul [h] threatened to the schismatical Corinthians; not any emanation of the ordinary power of ministry, but a miraculous consignation of it: for these things, as St. Chrysostom [i] observes, St. Paul calls "signa apostolatûs mei," "the signs of his apostleship," wrought among them in signs and miracles and powers; this was effected in healing the sick, and in striking the refractory with the rod of God; in giving sight to the blind, and making them blind that would not see; in raising the dead to life, and causing them to die that would not live the life of righteousness. But this was not done ἰδίᾳ δυνάμει, not "by any power of their own," but by that power to which they only ministered,—by the power of Christ; who (blessed be his holy name for it) keeps this power only in his own hands. In these their power was no more a power of jurisdiction than Elias had, who, as St. James said, "prayed that it might, and prayed that it might not, rain;" and called for fire from heaven. And just so the apostles, being moved by an extraordinary spirit, did, when the spirit saw cause, minister to the Divine judgment. But that was not their work; they were sent of another errand, and were intrusted with other powers.

11. But after all this, it is certain that there were in the church some images and similitudes of jurisdiction in their spiritual government. The soul is not, cannot be, proper to any jurisdiction but that of God. For jurisdiction is the effect of legislation, and is in the mixed empire as the other is in the mere. Now none can give laws to souls but God; he only is Lord of wills and understandings; and therefore none can give judgment or restraint to souls but God. But as, by preaching, the ecclesiastic state does imitate the legislation of God; so by the power of the keys, she does imitate his jurisdiction. For it is to be observed, that, by the sermons of the gospel, the ecclesiastics give laws to the church, that is, they declare the laws of God; and by the use of the keys, they also declare the Divine jurisdiction: for as the church can make no law of Divine worship or Divine propositions, of faith or manners, but what she hath received from Christ and his apostles: so neither can she exercise any judgment but the judgment of God. To that she ministers by threatenings and denunciations, by comforts and absolutions, as she ministers to the legislative of God by preaching and publishing, by exhortation and command.

12. For there is an empire in preaching; there is a power of command which the bishops and ministers of the church of God must exercise. To this purpose St. Chrysostom [k] discourses excellently; "There are some things which need teaching, some which need commanding: if therefore you invert the order, and had rather command where it is necessary for you to teach, you are ridiculous; and as bad if you go about to teach where you rather should command. That men should do no evil, you need not teach, but to forbid it with the force of a great authority: and so you must command them, that they

[b] 1 Corinth. homil. 15. [c] De Pœnit. lib. 1. cap. 17.
[d] S. August. contr. Epist. Parmen. lib. 3. cap. 1.
[e] 2 Cor. xiii. 2. [f] 1 Cor. xi. 30.
[g] Epist. 75. [h] 2 Cor. xii. 12.
[i] Homil. 14. in 1 Cor. homil. 29. in 2 Cor. homil. 5. in 1 Tim.
[k] Homil. 13. in 2 Tim.

should not give heed to Jewish fables. But if you would have them give their goods to the poor, or keep their virgin, here you have need of doctrine and exhortation. Therefore the apostle said both, Command and teach. Thus you see that a bishop must not only teach, but sometimes it is necessary that he should command." But then this, being a doctrinal precept, or commanding by the force of a clear confessed doctrine, hath in it no other empire, but that it is a commanding in the name of God,—and means this only, that some things are so clear and obvious, so necessary and confessed, that he who neglects them, is condemned by himself; he need not be taught, but only commanded to do his duty: but, if he will not,—God, who gave him the law, hath also jurisdiction over him: and to this also the church does minister; for the bishop commands him in God's name; and if he will not, he can punish him in God's name,—that is, he can denounce God's judgments against him; and that is our ministerial jurisdiction: he can declare him to be out of the way of salvation, and unworthy to receive the holy mysteries and pledges of salvation. This is our coercion.

13. But the use of the keys does differ from proper jurisdiction in this great thing,—That if the keys be rightly used, they do bind or loose respectively; but if they err, they do nothing upon the subject, they neither bind nor loose. Now in proper jurisdiction, it is otherwise: for right or wrong, if a man be condemned, he shall die for it; and if he be hanged, he is hanged. But the church gives nothing, but the sentence of God, and tells upon what terms God will, or will not pardon. If the priest minister rightly and judge according to the will and laws of God, the subject shall find that sentence made good in heaven by the real events of the other world, which the priest pronounces here upon earth. But if the priest be deceived, he is deceived for himself and for nobody else; he alters nothing of the state of the soul by his quick absolution, or his unreasonable binding. For it is not true here, which the lawyers say of human jurisdictions, Quod judex errans pronunciavit, ob auctoritatem sua dicentis, transit in rem judicatam." The priest hath no such authority, though the civil power have. The error of the judge does not make the sentence invalid; his authority prevails above his error: but in the other, it is the case of souls; and therefore is conducted by God only as to all real and material events, and depends not upon the weakness and fallibilities of men. And therefore the power of remitting sins, given to the church, is nothing but an authority to minister that pardon which God gives by Jesus Christ. "The church pardons sins, as the Levitical priest did cleanse the lepers," said St. Jerome; that is, he did discern whether they were clean or no, and so restored them to the congregation: but "apud Deum non sententiâ sacerdotum, sed reorum vitâ quæritur:" "God regards not the sentence of the priest, but the life of the penitent."—For "the priest 'aliquid est ad ministrandum ac dispensandum verbum ac sacramenta, ad mundandum autem et justificandum non est aliquid;' is something as to the ministry and dispensation of the word and sacraments, but nothing as to the purifying and justification of a sinner: for none works that in the inward man, but he who created the whole man;" they are the words of St. Austin. This therefore is but "verbum reconciliationis;" "the word of reconciliation is intrusted to us:" but we properly give no pardon, and therefore inflict no punishment.

14. Indeed the power of the keys is, by a metaphor, changed into a sword; and St. Paul's wish, "I would they were even cut off that trouble you," seems to be the warrant; and by excommunications evil persons are cut off from the congregation of the Lord. And it is true, that the ecclesiastical authority is a power of jurisdiction, just as excommunication is a sword. But so is the word of God, "sharper than any two-edged sword;" and so is a severe reproof, it cuts to the bone. "Ne censorium stylum, cujus mucronem multis remediis majores nostri retuderunt, æque posthac, atque illum gladium dictatorium pertimescamus," said Cicero.[1] "The censor's tongue was a sword, but our ancestors sometimes did not feel it smart; and we fear it not so much as the sword of the dictators." But how little there is of proper jurisdiction in excommunication, we can demonstrate but by too good an argument. For suppose Julian robbing of a church, striking the bishop, disgracing the religion, doing any thing for which he is "ipso facto" excommunicate: tell him of the penalty he incurs, cite him before the bishop, denounce it in the church; what have you done to him that you should compel him to do his duty? Suppose he will not stay from the church, that he will go to another, to a strange country; or that he despises all this: have you made him afraid? have you troubled him? have you grieved him? have you done that which shall make him do so no more? But Julian was about to renounce christianity, and thinks it all a fable. Or, suppose less than that: suppose a man that keeps a concubine, and knowing that he sins, and yet resolves not to quit the sin, he abstains from the communion and the public service of the church; if the bishop admonishes him to leave the partner of his sin,—how, if he will not? By what compulsory can the ecclesiastic state enforce him? If you threaten to drive him from the communion, he hath prevented you; he never comes at it. If from prayers, you do him a kindness; for he loves them not.—If from sermons, then he will enjoy his lust without controlment.—What can the church do in this case? But suppose yet once more, that a violent hand shall pull down the whole episcopal order, what shall the church do then? will she excommunicate the men that do it? They say, "The order itself is antichristian;" and can they fear to be excommunicated by them; and who fears to be excommunicated by the presbytery, that believes them to be a dead hand and can effect nothing? And in the sum of affairs, only the obstinate and the incorrigible are to be proceeded against by that extreme remedy. And to them who need that extreme, it is no remedy; for they that need it care not for it:

[1] Orat. pro Cluentio.

and what compulsion then can this be? If it be any thing really effective, let it be persuaded to them that shall deserve it: for it must work wholly by opinion, and can affright them only, who are taught to be afraid of it. It can only do effort upon them, who are willing to be good in the way of the church: for it is a spiritual punishment; and therefore operates only upon the spirit, that is, upon the will and understanding, which can have no coercion: so that, in effect, it compels them who are willing to be compelled, that is, it does not compel at all; and therefore, is but improperly an act of jurisdiction.

15. For that which the ecclesiastics can do, is a suspension of their own act, not any power over the actions of other men: and therefore is but a use of their own liberty, not an exercise of jurisdiction. He does the same thing in sacraments as he does in preaching: in both he declares the guilty person to be out of the way to heaven, to be obnoxious to the Divine anger, to be a debtor of repentance; and refusing to baptize an evil catechumen, or to communicate an ill-living christian, does but say the same thing; he speaks in one by signs, and in the other he signifies by words. If he denies to give him the holy communion, he tells him he is not in the state of grace and the Divine favour, he tells him that he hath no communion with Christ; and therefore, by denying the symbols, says that truth, which, by his sermons, he publishes. All the effect and real event are produced by the sin of the man; and the minister of religion tells him, as God's messenger, what he hath done to himself, and what will come upon him from God. This is "judicium, non jurisdictio," "a judging, not a jurisdiction;" a judging a man worthy or unworthy; which does not suppose a superiority of jurisdiction, but equals do it to their equals, though, in this, the clergy hath a superiority, and an authority from God to do so.

16. Add to this, that the other effects of excommunication are not any force or impression upon the delinquent, but are the caution and duty of the church, or "sanior pars" of them that are innocent; for it is a command to them to abstain from the society of the criminal: for to him it is no direct obligation: indirectly it is,—as I have already affirmed and shall afterwards discourse.

17. This discourse cannot lessen the power and authority of the church; it only explicates the nature of it, because it is useful to many cases of conscience, and does rightly establish the foundation of this great measure of conscience, "ecclesiastical laws,"—and it adds grandeur to it. For it is in the ecclesiastical government, as it was in the judaical, before they had a king. They had no king of their own, but God was their king; and he did exercise jurisdiction, and appointed judges over them, and wrought miracles for their punishment or their escape respectively; and so it is in the church: Christ, our head, keeps the spiritual regality and the jurisdiction in his own hands, but sends us to minister it according to his laws; which if we do, they who are found criminals, cannot indeed be smitten by us, but they shall be smitten by God: and therefore Christ said the same thing to his missionaries, as God did to Samuel; "They have not rejected thee, but me," said God;—and, "He that despiseth you, despiseth me," said Christ.—And now, although kings have the sword in their own hand, and can smite the disobedient; yet we cannot: but God will smite them that are disobedient to the church: and that is worse for them that feel it, and better for them that are but threatened; for it is true, that by repentance they may escape that which is threatened by the church, which, in the commonwealth, they cannot: but these that feel it, are in a worse condition; for "it is a fearful thing to fall into the hands of the living God;"—and "Who can dwell with the everlasting burnings?"—"For our God is a consuming fire."—

[m] Epist. ad Florent. Pupian. lib. 4. ep. 9.

RULE II.

The Church hath Power to make Laws and to give Commands obliging the Conscience, that is, tying the Subjects to Obedience under the Penalty of committing Sin, or of incurring the Divine displeasure.

1. By "the church" it is certain I must first mean "the church catholic," or all the governors of the christian assemblies in the world: because if it be in a part, it is in the whole; and if it be neither in a part nor in the whole, it is no where. But yet because the whole catholic church, that is, all the governors of churches, (for if we speak of the church making laws, we must mean the governing part of the church,) did never meet since the days of the apostles, who, being few and united and absolute and supreme, could then do what could never be done since: it is necessary for the reducing this rule to practice, that the legislation and the power of commanding be subjected in some more particular subject; and therefore I shall instance in the least. By "the church," I mean "every particular church joined to the head of union;" and by "the particular church," I mean "the angel of that church," "the bishop;"—according to that saying of St. Cyprian;[n] "Scire debes episcopum in ecclesiâ esse, et ecclesiam in episcopo;" "The bishop is in the church, and the church in the bishop:" that is, he is in the church, as the head is part of the body,—and the church is in him as in their representative; and all their power is ministered by his hand, and their interest promoted by him; and he is the hand of God and the hand of the people: this lifted up, and that let down; this in the ministry of prayers, and that in the ministry of blessings. And therefore St. Chrysostom[n] expounding those words of Christ, "Tell it unto the church,"—says, that "they mean, Tell it to the bishop of the church, who is to minister food and discipline to the congregation."

2. Now all the power of commanding and making ecclesiastical laws, that is, laws of religion, is wholly in the pastors and bishops in the supreme order of

[n] Homil. 61. in Matt.

ecclesiastics. If there be two orders of Divine institution, it is certain that one is the superior; and therefore one only is to rule in eminency, and the other can rule but in minority and substitution: and that which is appointed to rule is the superior. Now the case then is clear as to the present purpose: the presbyters were under bishops, and might be accused before them and rebuked by them; we see it plain in the case of Timothy and Titus, to whom St. Paul gave rules of court, and measures of taking cognizance of causes brought before them. There was plainly the judging order and the judged: the elders or presbyters were judged; over them were overseers placed. "Par in parem potestatem non habet." Since therefore a judicatory was placed in the church, though it was a spiritual only and without temporal coercion, yet it had a just authority; and therefore, must suppose a distinction in the clergy of superior and inferior. Now because there can be no union political without government, and the government which was appointed, was that of the ἄνδρες ἡγούμενοι, "the ruling clergy," it follows, that the bishop being the head of spiritual union in the first institution of the church, every society of christians is reckoned one by the unity of the bishop; and therefore, that society of a bishop and his parish is the least indeed, but it is a christian, commonwealth. Now the practice apostolical and primitive administering this power by one and one in every church, where there were many presbyters, it must be evident, that he who was superior to the presbyters, was to rule in every congregation; and because there was none superior to him by Divine or apostolical appointment, all the legislative or commanding power in the church is founded in the episcopal order; and therefore that one bishop hath in his own charge a legislative or power of command; and therefore much more, when many bishops meet together. A diocess is the least circuit of government, but it is an entire body subject to distinct commands; that is, every diocess hath one set over them in the Lord, to whom the people are, by the commands of Jesus Christ, tied to give obedience.

3. Whether the diocess be little or great, allowed or disallowed, in city or in country, divided into parishes or not divided, under metropolitans or not under, of many churches or but one,—it matters not: where there is a bishop and a congregation, there is a diocess, and there is a power of commanding and a necessity of obeying, "intra limites disciplinæ," "within that pale," in which they have warranty and power to govern and to give commandments. As for parishes in the late sense of the word, that is the charge of a single presbyter,—it is no body politic of apostolical or Divine appointment: for the presbyters were called "in partem solicitudinis," "into the help of the ministry;" but they had no cure of souls, save only by delegation and special and temporary appointment, for some whole ages in the church: and therefore the governing and the commanding authority cannot be extended to parishes and to their curates, which are of late date, and received no power from Christ but that of ministry,—which is also conveyed by the bishop's hands. But then because, above the bishop, there is no appointment in the whole religion,—it is necessary that the legislative be established in him: if we go higher, we can never come to a society of apostolical or Divine institution in the church,—because, between the whole catholic church, either in diffusion or representation, and a single diocess, all the intermedial unions, as of metropolitans, primates, patriarchs, councils provincial or œcumenical, are by consent and positive and human institution, but they directly establish no Divine government. This only is properly such. And though this can suffer alteration as to the administration of it, yet the proper seat of the authority is the bishop, by virtue of his order. Whether the bishop of Rome received the power into himself alone, and so conveys it to all other bishops, is not material to our present inquiry; for that is a question of the manner of receiving it, not of the power when it is received. I shall, in order to other purposes, discover the unreasonableness of that fond pretence and novelty. But that which I say is, that those persons who, by Christ's appointment to or by the apostles, were authorized to govern the church, are the heads of christian societies, and every such society is a distinct government; and that this cannot be the division of parishes, because that division was later than the authority: and though this be true also of dioceses, as they are now divided, yet that division being but accidental to the charge, and the charge being an appointed relation,—that which is accidental and superinduced, cannot prejudice the nature and institution of it, but that a bishop and his charge, more or less, is an entire society or commonwealth, as much as the thing can be; that is, according to the nature and capacity of the subject-matter, it is an entire government, and prelate and people make the parts of the integral constitution.

4. To the verification therefore of the power thus subjected, all those titles of eminency and superior office recorded in Scripture do aptly minister: as that they are called "pastors," and "rulers," and "præpositi," and ἐπίσκοποι, "bishops" or "overseers" of the church; he that hears them, hears Christ,—who hath sent them, as himself was sent. Upon the account of these, the first rulers of churches in Scripture did give laws to their people, and threatened the disobedient not only by the force of their extraordinary power, but by the effects of their ordinary ministry. The particular instances of command I shall enumerate, when I give account in what things they have power to make laws; but these words of power were sufficient warrant, and were like seals to their commissions and monitors of their duty. But so the rulers of the church did practise their power, and taught the necessity of obedience.

5. To this purpose are those words of St. Clement[o] to St. James the brother of our Lord; "These things, most dear brother, I have received from the mouth of holy Peter, who gave the commands, and I have endeavoured to show them to

[o] Epist. Clem. I. in fine.

thee, that thou mayest command them all to be kept inviolate, because ecclesiastical affairs ought not to be done carelessly, but with diligence. Therefore let no man think, that, without danger, he can neglect these precepts, or dissemble them; 'quia in judicio Dei ignis æterni tormenta sustinebit, qui ecclesiastica decreta neglexerit;' 'because, in the judgment of God, he shall suffer the torments of an eternal fire, who shall neglect the decrees of the church.' But he that shall hear thee as the minister of Christ commanded, shall receive glory: but he that shall not hear thee, or rather the Lord speaking by thee, shall receive to himself damnation."

6. St. Ignatius[p] is very frequent and express in this particular:—"Be subject to the bishop as to the Lord. For he watches for your souls, as he that must give an account to God. For it is necessary, that you do nothing without the bishop. For he that is disobedient to bishops, will be altogether without God, impious, and a despiser of Christ, and a disparager of his ordinance."—And again;[q] "It is fit that you obey your bishop, and in nothing to contradict him. For he that does, despises not him that is visible,—but, in him, despises the invisible God, who cannot be despised of any one. For the bishop hath not his promotion from men, but from God."

7. Tertullian,[r] speaking of the power and judicatory of the church, saith, "Ibidem etiam exhortationes, castigationes, et censura divina; nam et judicatur magno cum pondere, ut apud certos de Dei conspectu;" "There are exhortations, chastisements, and a Divine censure; for the judgment of the church is with great weight and efficacy, because it is amongst them who are certain that they shall appear before God: and it is the greatest forerunning of the great judgment, if any one sins so that he be banished from the communion of prayers, assemblies, and all holy intercourse."

8. To which if we add the words of St. Cyprian,[s] we shall find not only the power and authority warranted, but the subject of the power declared to be the bishop:—"Since there are such and so great and many other examples and precedents, by which the authority of the bishop and his powers are established by Divine ordinance, what sort of men do you suppose them to be, who, being enemies of bishops and rebels against the catholic church, are not affrighted with the threatening of God admonishing them, nor yet with the revenge of the future judgment? For heresies have arisen and schisms commenced from no other cause than this, that men do not obey [the bishop] the priest of God: neither do they consider that there is in the church for a time a judge in the stead of Christ, to whom if all the brethren would obey according to the commands of God, no man would move any thing against a college of bishops: no man would, after the Divine judgment is passed, after the suffrage of the people, and the judgment of the bishops his assessors, make himself a judge not of the bishop, but indeed of God himself; no man would divide the unity of the church; no man, by a self-pleasure and pride, would make a new heresy apart by himself."

9. I only add the testimony of St. Jerome,[t] it being in a clear case as to the thing itself; and the difficulty being only in the measures, the manner, and instances, of obedience. "Episcopus vester cui ecclesiæ commissum est regimen," &c. "Your bishop to whom the government of the church is committed, whom God hath placed as the surveyor of his vineyard, the shepherd of the sheep, the director of the flock, the leader of the people both in the city and the country in which ye live, let him nourish you with a singular care, and feed you with the meat of holy doctrine, and in the presence of God take especial care of your souls: let all men, devoutly, and with an even mind as to God, obey him to whom all the city is committed."

But because I have given a larger account of this duty in general, in a discourse[u] on purpose, I shall more properly consider in what particular cases the conscience is, or is not, bound to obey the church governors.

RULE III.

The Church hath Power to make Laws in all things of necessary Duty, by a direct Power and a Divine Authority.

1. St. Ignatius, discoursing of the bishop's power, commands subjection to him in so large and comprehensive terms, that they seem to put an end to all further inquiries in this rule of conscience, by making all inquiries to be useless; because an obedience universal is due. "Necesse est ut quicquid facitis, nihil sine episcopo tentetis, et in nullo illi refragari:"[x] and again;[y] "Nec quicquam videatur vobis consentaneum, quod sit præter illius judicium; quod enim tale est, Deo inimicum est:"—"It is necessary that whatsoever ye do, ye do nothing without the bishop; that ye be obedient to him, and be refractory against him in nothing:—neither let any thing please you, that is besides his judgment; for whatsoever is so, is an enemy to God."—The same also he repeats in other places, and gives it in command to other churches. But this is too general to guide any man, and therefore of itself requires a limit: and therefore himself does explicate it in his letter[z] to the church of Smyrna;—"Sine episcopo nemo quicquam faciat eorum, quæ ad ecclesiam spectant;" "Without the bishop let no man do any thing of that which belongs to the church;"—that is, whatsoever is intrusted to the bishop's charge, the conduct of souls, the duties of religion, the commandments of God, the sacraments of the religion, the orders of the Divine institution, the interior actions of grace, and the external which are of necessary ministry and relation to them, are under the discipline and legislation of the church. For in these

[p] Epist. ad Trallian. [q] Epist. ad Magnes.
[r] In Apologet. [s] Ep. ad Cornel. Papam, lib. 1. ep. 5.
[t] In Regul. Monachor. cap. 17.
[u] Episcopacy asserted, Sect. 34, 35.
[x] Ad Trallian. [y] Ad Magnes.
[z] Epist. ad Ephes.

things only, his charge,—and therefore in these things only, his authority,—does lie.

2. Thus the bishop hath power to command his subject or parishioner to put away his concubine, and if he does not, he not only sins by uncleanness, but by disobedience too. For the authority of the church being spiritual, it hath power over the spirit, and introduces guilt upon the soul if it be disobeyed. So that it is but folly and ignorance to think the bishop hath no power, because he is to command only in those things where God hath commanded already. For though he is God's minister, and commands not by his own will, but by God's, yet he hath the authority of God given to him to do that: and besides that it is not reasonable to think, that God would give the church rulers his authority for trifling and needless purposes; it is also evident in the thing itself, that it is of great effect, because, even in these things, he is the voice of God, and judges in the place of God, and affrights sinners with the accents of his displeasure, and upon this account, brings a burden upon the disobedient, which was not brought upon him before the command and sentence of the church.

3. Whatsoever therefore the bishop commands us as from God, in that his power and legislation are properly exercised: and it is absolutely to be obeyed without any other condition or reserve, but that it be indeed the will and commandment of God. So St. Bernard:[a] "Quicquid vice Dei prælatus homo præcipit, quod non sit tamen certum displicere Deo, haud secus omnino recipiendum est ac si præcipiat ipse Deus;" "Whatsoever the prelate, in the stead of God, commands, provided you are certain it does not displease God, it must be received, as if God himself commanded it. For what difference is it whether God by himself, or by men, his ministers, or by his ministering angels, make his will and pleasure known unto us?" Where it is observable, that he does not give leave to disobey, if we question whether it be God's will or no; for if it be a question, the presumption is for the authority imposing it: and in that case, though it be a doubt in theory, yet that must not hinder the practical obedience; because it is as certain, that our lawful superior hath power to command us to obey, when we are not certain of the thing, as it is certain that it is a sin, if we do it in a doubting conscience by our own authority. For "the authority of God in the hand of the prelate" is warrant enough to determine us, when we know nothing to the contrary, though "our own will is not." If we have a doubting conscience, we have nothing, while the doubt remains, to oppose against it but our will, and that is not sufficient: but a Divine authority is. Now although, in the present case, it does not work to the clearing of the material doubt, yet it does operate to the clearing of the duty: and therefore St. Bernard said well, "Quod non sit tamen certum displicere Deo," "Unless you are sure (that is, be fully persuaded) you displease God in obeying the bishop, it is certain you displease God by disobeying him."

4. For it is a part of our obedience not to judge his sentence, that is, not to give judgment against him in a question of difficulty, but to stand to his sentence: "Credas tibi salutare, quicquid ille præceperit; nec de majorum sententiâ judices, cujus officii est obedire et implere quæ jussa sunt," said St. Jerome[b] in a like case: "It is your part to obey, and to do what is commanded, and not to judge your judges; but to believe all that to be good which your prelate commands you;"—meaning, when his command is instanced in the matter of the Divine commandment. In things that are plain and easy, every man can be a judge, because indeed there needs none, for there is no question: but in things of difficulty, and where evidently God is not dishonoured, it is very much our duty to obey the church.

5. Thus the church hath power to command us to be devout in our prayers,—to be charitable to our brother,—to forgive our enemy,—to be heartily reconciled to him,—to instruct the ignorant,—to follow holiness,—and to do justice,—and to be at peace with all men; and he that obeys not, does walk disorderly, and may be used accordingly with all the power the church hath intrusted to her, according to the merit of the cause: but it is certain he sins with a double iniquity, that refuses God's commandment and the precept of his spiritual superior; for, in these things, every minister can exhort, but the bishop can command; that is, he binds the commandment of God by a new obligation and under a distinct sin, the sin of disobedience.

RULE IV.

The Church hath Power to make Laws in such Things, which are Helps and apt Ministries and Advantages of necessary Duty.

1. THIS rule is expressly taught by St. Basil:[c] "Necessario ea nos in memoriam debemus redigere, quæ dicta sunt ab apostolo, 'prophetias nolite spernere'—Ex his autem intelligitur quod si quid nobis imperatum est, quod idem sit cum mandato Domini, aut adjuvet, illud, tanquam voluntas Dei, studiosius diligentiusque à nobis suscipi debet;" "We must remember what the apostle said, 'Despise not prophesyings.' But if any thing be commanded us which is all one with the command of God, or may help it, it ought to be undertaken by us with diligence and study as if it were the will of God."

Thus if our bishop, in his precepts and sermons of chastity, command that the women go not to the public spectacles, where are represented such things which would make Cato blush, and Tuccia have looser thoughts, they are bound, in conscience, to abstain from those impure societies; and not only from the lust, but from the danger. For in vain is it, that God should intrust the souls of the people to spiritual rulers, and give them wisdom to do it, and commandment to do it with diligence, and gifts of the Holy Spirit to enable them to do it with advantage, if the people were not tied in duty to de-

[a] Lib. de Præcepto et Dispensatione.

[b] Ad Rusticum Monach. [c] In Regul. Brevior. cap. 14.

cline those places and causes, where and whence they do usually perish.

2. And in pursuance of the episcopal authority, in the like instances it was, that St. Chrysostom held his pastoral staff over the disobedient: for the church had declared, that, in the holy time of Lent, the people should live austerely, and therefore he told them, at that time especially, that they should not go to the public shows and theatres; and to the disobedient he adds this threatening:[d] "Sciant omnes his criminibus obnoxii, si post hanc nostram admonitionem in eâ negligentiâ manserint, non toleraturos nos, sed legibus ecclesiasticis usuros, et magnâ austeritate docturos, ne talia posthac negligant, neve tanto contemptu divina audiant eloquia;" "Let all that are guilty of such crimes know, that if after this admonition they persist in this neglect, we will not suffer it, but use the laws of the church against them, and shall teach them with great austerity, that hereafter they do not hear the Divine sermons with so great contempt."

3. Upon the same account, the church, in her sermons of repentance, does usually, and hath authority to, enjoin actions of internal and external significations and ministries of repentance. In the primitive church the bishops did indict fasting days, and public litanies and processions of solemn supplications and prayers to be used in the times of public danger and necessity. This we find in Tertullian;[e] "Episcopi universæ plebi mandare jejunia assolent, non dico de industriâ stipium conferendarum, ut vestræ capturæ est, sed interdum et ex aliquâ solicitudinis ecclesiasticæ causâ:" "The bishops are wont to command fasting days to all the people, not for secular ends, but for ecclesiastical necessity and advantage." For when God hath established an office and ministry, it is certain he made it sufficient to acquire all the ends of its designation: since therefore the government even of internal actions, and a body or society of men must suppose external acts, ministries, circumstances, and significations, no man can from without govern that which is within, unless he have power to govern that, without which the internal act cannot be done in public, in union and society.

4. And here comes in that rule of the law, "The accessory follows the nature of the principal;" which hath been so infinitely mistaken and abused by the pretences of Romanists and presbytery for the establishing an empire ecclesiastical in things belonging to themselves, not to God. For the soul being the principal and the body its instrument, they hence argue that they, to whom the souls are committed, have therefore a right to govern the body, because it is accessory to the soul; and if the body, then also the accessories of the body, actions, circumstances, time, wealth, lands, and houses, in order to the spiritual good of the soul: which proposition because it is intolerable, it can never be the product of truth, and therefore must be derived from a false understanding of this true rule of the lawyers. But because, in its true meaning, it serves to conduct many, and particularly this rule of conscience, it is necessary that we know the true meaning of it.

[d] Homil. 6. in Genes.
[e] Lib. de Jejunio in Psychicos.

The Rule, "The Accessory follows the Nature of the Principal," explicated.

5. Therefore for the understanding of it so far as can be in order to our design, it is to be inquired, 1. How we shall know, which is the principal and which is the accessory. 2. In what sense the accessory must follow the nature of the principal.

6. (1.) That which is principal to one purpose, is but the accessory to another sometimes. If Titius hires my land and builds a house upon it, the house is but the accessory, because it came after my land was in possession. But if Titius buys my house standing upon my own land, he buys the land too; for the land is but the accessory, and the house is the principal: because the house being the purchase, it cannot be at all but upon a foundation, and therefore the ground is the accessory, and after the house in the intention of the buyer. "Villa fundum quærat," is sometimes true; but ordinarily, "Fundus quærit villam."

7. (2.) That which is of the greatest value, is not always the principal, but sometimes is the accessory. The picture of Apollo upon a laurel board is much more precious than the wood; and yet if Apelles should take Lucian's wood and draw the picture, Lucian will make bold with the board, and consequently carry away the picture. A jewel, set in gold, is much better than the gold, but yet the gold is the principal, because it was put there to illustrate and to adorn the gold; according to that of Ulpian,[f] "Semper cum quærimus quid cui cedat, illud spectamus, quid cujus rei ornandæ causâ adhibetur." And therefore if Caius, dying, leave me in legacy his black cloth suit, I shall also receive the diamond buttons that adorn it: because these were placed there to adorn it: and therefore are the accessory, because they are "usu minores," and wholly set there for the ministry of the other. "Quod adhibetur alterius rei causâ;" that is principal, for whose sake the other was sent or put. And therefore it is no good argument to conclude, that the body is the accessory, because the soul is more noble. "Cedent gemmæ phialis vel lancibus inclusæ auro argentove." The soul is, indeed, a jewel set in gold; but is, therefore, an accessory to the body in some cases. He that buys the body of a slave, hath right to all the ministries of the soul; and the man is bound to serve his master with a ready mind and a good will; and the soul is a παρακολούθημα of the body. The body is first, and the soul comes afterwards to give it life and motion.

8. (3.) When two substances concur to the constitution or integrity of a third, one is not the accessory to the other. The eye is not the accessory to the head, nor the foot to the leg, nor the hand to the arm; for that only is an accessory, "quod alterius rei causâ adhibetur aut accedit:" if it comes in accidentally and be wholly for the other's sake, then

[f] Lib. Cum. Aurum. 19. sect. Perveniamus ff. de Aur. et Argent. Leg.

it is an accessory. Thus order and decency and circumstances of time and place, are for the ministries and ornament of religion, and therefore are accessories. The outward act is the less principal, and an accessory to the inward, for to the inward it wholly ministers; and consequently he that disposes of one, may also govern the other, because the less principal is included in the more, and the less and the more have not two administrations, because they have but one use. But the soul and the body are two distinct substances of differing ministrations, acting to several and sometimes to contrary purposes; they are parts of the same man, a better and a worse, but not a principal and accessory, unless it be by accident and in some uses and to some purposes; and then sometimes one, sometimes the other, is the principal. Concerning which the rule is this:

9. (4.) Those things which of themselves are not, but by accident may be made, accessories to a principal, are then to be esteemed to be so, when they actually and wholly are joined in use to the principal, and serve the end of the principal, but have none of their own. Thus when the soul prays passionately, if the lips move without a deliberate act of understanding, but obeying the fancy, the body in that case is purely the accessory. I say, in that case: for if the body receive a command to other purposes, as to attend upon the prince at the same time when the soul prays, in that case they are both principals; and neither of them accessory to the other. And therefore although it will follow that when the body ministers to the actions of the soul wholly, and hath no distinct work and office of its own in that action, he that commands the soul, can also command the body; for they are in that ministry but as one: yet it will not follow that when the body is not the accessory, it is not conjunct in ministry, but does or can act distinctly and to other purposes; he that is of proper authority to command one, hath authority also of the other. And the reason of this will help well to explicate this whole inquiry. For,

10. (5.) He that pretends to a power over the accessory, because he rules the principal, claims his power wholly for its relation to the principal, and therefore it can be extended no further than the relation; but if that relative have also an absolute and irrespective nature, operation, or design, it cannot be governed in any thing of this, because of its relative nature and conjunction in the other; for there it is not accessory. For it is the nature of the ἀνεκτικὸν αἴτιον· οὗ παρόντος μένει τὸ ἀποτέλεσμα, καὶ αἱρομένου αἴρεται, "the conjunct cause or reason; when it is there, the work will follow: but when it is away, there will be no event," says the philosopher.

11. (6.) It is not enough to make a thing to be accessory, that it is designed for the use and ministry of another that is principal; but it must be actually applied; for till then it is but a potential accessory, which gives no right, and changes no nature, and produces no effect. Bridles and saddles are made to be used with horses: but he that buys all the horses in a fair, cannot claim all the saddles and bridles which are in the same fair to be sold; because they are not yet become the accessories, but are only designed to be so. It is intended that the body should minister to the soul in matters of religion; but because it ministers also to other actions of the soul, he that rules the soul does not by consequence rule the body, unless it be actually applied, and be conjunct with the soul in the ministries of religion.

12. These may be sufficient to declare so much of the nature of accessories, as is of use in our present questions. The next inquiry is, what is the meaning of these words, "The accessory *follows the nature* of the principal." For it cannot be meant that whatsoever is said of one may be said of the other; or whatsoever may be done to one may be done to the other. The rulers of souls have power to excommunicate or to cut them off from the body of the church, which is the greatest spiritual power, and is after its own manner a spiritual death. Now suppose the body be an accessory to the soul, it will not follow, that he that can cut the soul off from the church, can cut the body also off from the commonwealth. But the meaning is, that "duplici et diverso jure censeri non debent,"—they who are joined in one action, are to have one judgment, though according to their respective measures. If the soul does well, so does the body ministering to the soul. If it be good to pray, it is good to appoint time and places to pray in, because without time and place you cannot pray: if time and place be contingent and irregular, so are our prayers: if our prayers be solemn and fixed, so must they. And thus also it is in matter of government. If the bishop is to guide the devotion of the soul, he can also give rules to the body in all that which it ministers to that action of the soul; and when they two make one complete action by way of principal and accessory, they are the same one entire subject of government. But this is to be extended no further. This passes not to the distinct actions or ministries of the body; but is confined to that in which it is, and so long as it is one agent with the soul: neither can it pass to warrant any other impression upon the body; but that it be commanded and conducted in the pursuit of that action.

13. And after all, though the rule be thus warily conducted to keep it from running into error, yet neither thus is it always true. "Cum principalis causa non consistat, plerumque ne ea quidem, quæ sequuntur, locum habent," says the law.[s] It is sometimes so, sometimes not. Money is accessory to the man as clothes to the body; but he that hath the man in cure, is not the "curator bonorum;" and the physician that gives physic to the body, and conducts the regimen of health, is not master of his wardrobe: and the epigram derided Herod the empiric,

> Clinicus Herodes trullam subduxerat ægro:
> Deprensus dixit, "Stulte, quid ergo bibis?" MART.

because when he came to take away his patient's

[s] Ff. de Regul. Juris, lib. 178. et lib. 129. ff. eod.

sickness, he took away his plate. If the principal act be confirmed by an accessory oath, though the principal act prove null and invalid in law, yet the man is tied by the remaining oath. A man cannot offer to God an indifferent action or thing. And therefore he that promises to God to walk three turns every day, hath done nothing; the act is null, and he is not obliged to pay that to God: but if an oath did supervene, that must stand,[h] though the principal of itself be null; because every oath, that can without sin be kept, must stand. The alienation of a minor's lands is rescinded by law, yet the obligation and caution of the tutor, for the accessory verification of the principal sale, will stand; because there is a reason that separates the accessory from the principal: and the law intending to rescind the translation of the dominion, not to rescind the contract, leaves the principal loose, and the accessory bound. This is also thus in actions principal and accessory, which the law calls "personales et hypothecarias." Mævius dies, and divides his estate between Lucius and Lucullus; but he was indebted ten talents, and for caution had engaged some jewels. Lucius pays his five talents, and Lucullus pays four of the other: the personal action of Lucius is dissolved, but the accessory is not; for till Lucullus's personal or principal be taken off, the accessory and cautionary remain upon them both: and this also hath a particular reason, and so have all those cases in which this rule fails.

14. From whence I infer, that this thing is sometimes reasonable, and sometimes unreasonable, but it is never necessary but in one case; and that is, when the accessory is necessary and inseparable, either by reason of a natural or positive conjunction. For some things are accessory by use and customs, some by laws and commandments, some by the nature of the thing. Now, of the first two sorts the measures are contingent and alterable: the laws sometimes declare a thing to be accessory, and at other times it is not so: and if, by use or contract or custom, a thing be accessory, it ceases to be so, if the accessory be particularly excepted. As if I buy a house, it is by custom concluded that I intend the garden that is joined to it; and he that sells a horse, sells his bridle: but if the garden be reserved, and the bridle be excepted, the rule then is of no use.

15. Now to apply this to the present inquiries. 1. Because the body is not in the nature of the thing an inseparable, necessary accessory to the soul in spiritual actions and ministries; but the soul can pray alone, and be charitable alone, and love God alone; and the body hath actions, and intentions, and interests, which mingle not with that which the spiritual rulers are to govern; therefore it cannot be inferred, that the body is subject, in all things, to them who govern souls.

16. But, 2. It does follow, and may by force of this rule be inferred, that they who are to govern the religion and spiritual actions of the soul, can also govern the actions of the body, which minister immediately and necessarily to the necessary actions of the soul: and therefore because it is a duty that we communicate in the communion of saints, when that duty is actually and of necessity to be done, the bishop hath power to command the bodies of men to be present in christian assemblies, according to the precept of the apostle; "Neglect not the assembling of yourselves together."

17. And yet further, to come home to the present rule, there are several degrees of necessity, and several reasons of it. Some things are necessary for life, and some for health. Some are necessary for single christians, some things are necessary for societies; some things are necessary in private, and some in public; some things are for order, and some for precise duty; some things are absolutely, and some are but respectively, and in order to certain ends, necessary. The body is an accessory to the soul, "atque eodem jure censendum," "to be judged by the same laws," governed by the same persons, subject to the same sentence and conduct, not only in things of absolute necessity, but even in things of great advantage; not only in private necessity, which is always indispensable, but even in public necessities of the church, in which there is greater latitude and more liberty; and the reason is, because even these lesser degrees of necessity are required of us by Divine commandment; and it is not only commanded to us to do that which is lawful, but that also "which is of good report;" not only that we glorify God, but that our brethren be edified. And in proportion to this, it is required of the guides of souls that "they give good account of them;" but it is required of us also that we so comport ourselves, "that they may do it with joy:"[i] which cannot be supposed, if their power be kept within the bounds of a simply and indispensably necessary internal religion; it cannot be done without prosperous circumstances and advantages of religion: in these therefore if spiritual guides have not power to give commands, they have not all that is necessary by all the kinds of necessity which God made.

18. But this rule we see verified by authentic precedents. For the apostles at Jerusalem indeed thought fit to impose nothing but those "necessary things," which are specified in their decretal; but St. Paul used also this authority by the measures of the present rule, and commanded beyond the limits of absolute necessity, even that which he judged convenient: and verifies his authority in his epistle to Philemon;[k] "I might be much bold in Christ to enjoin thee that which is convenient:" and this he actually did to the Corinthian church, commanding that "all things should be done decently, and in order."

19. Now although it be true, that in these things the apostle had some advantages, which the bishops in succession have not; he had an infallible spirit, and what he called convenient, was so indeed; and he had converted Philemon, he was his father in Christ, and he was one of the pillars upon which Christ built the church, and he was to lay the foundation for an everlasting building: yet because the instance to the Corinthian church was such, which was of a perpetual reason, and it would be for ever necessary that things should be done in the church

[h] C. cum Contingat. extr. de Jure Jur.

[i] Heb. xiii. 17. [k] Philem. 8.

"decently and in order," and the question of decency would for ever have variety and flux, succession and a relative uncertainty, it was necessary that of this there should be perpetual judges and perpetual dictators; and these can be no other but the rulers of the church, who have the same power as the apostles had in this, though not so many advantages of power. When the bishops judge truly concerning necessity, and such decencies and reasonablenesses as are next to necessity, they can enjoin them, only they cannot judge so surely; and therefore, although there may be more causes of laying aside their commands, yet it is never lawful without cause.

20. But this is not to be extended to such decencies as are only ornament, but is to be limited to such as only rescue from confusion. The reason is, because the prelates and spiritual guides cannot do their duty, unless things be so orderly, that there be no confusion, much less can they do it with joy; and so far their power does extend. For although that is not required of the governors, but of the people, that the ruler's office be done with joy; yet because it is required of the people, they sin if they hinder it; therefore the rulers have power to enjoin it. But if he can go beyond this limit, then it can have no natural limit, but may extend to sumptuousness, to ornaments of churches, to rich utensils, to splendour, to majesty; for all that is decent enough, and in some circumstances very fit. But because this is too subject to abuse, and gives a secular power into the hands of bishops, and an authority over men's estates and fortunes, and is not necessary for souls, and no part of spiritual government,—it is more than Christ gave to his ministers.

21. This also is to be added: that because this power is derived to spiritual rulers upon the account of reason and experience of things, and the duty of the people, that the rulers should be enabled to give an account of their charges with joy, therefore it is only left to the people to do it or not, under the pain of a sin; but they are not to incur spiritual censures upon the stock of non-compliance in things not simply necessary or of essential duty. For to compel them to advantages, will bring but little joy to the ruler: he must secure the main duty, whether they will or no; that himself is to look to, and therefore to use all the means God hath put into his hand; and for that he must look for his joy, when he comes to give up his account: but that he himself should do his duty with joy; that is, with advantages, with ease, with comfort, being a duty wholly incumbent on the people, and for their profit, if they will not comply, they sin; and "it is not profitable for them," saith the apostle;[1] that is, they lose by it; but to this they are at no hand to be constrained, for that will destroy his joy, as much as the letting it alone.

22. Beyond this the bishop hath no authority to command what he can persuade by argument; he is to take care it be well and wisely, to the glory of God, and the good of his church, to the edification of all men that are interested, and the special comfort and support of the weak. The sum of which power is excellently summed up by St. Paul:[m] "For ye know what commandments we gave you by the Lord Jesus:—For this is the will of God, even your sanctification: that ye abstain from fornication—that no man defraud his brother." In these things the spiritual power is proper and competent. But the apostle adds, "He therefore that despiseth, despiseth not man but God, who hath also given us his Holy Spirit." That is, in those things which are certainly the laws of God, the bishop is to rule entirely according to the power given him. But because God hath not only given his authority, but his Spirit too, that is, he hath given him wisdom, as well as power, it cannot be supposed to be for nothing: whatever he wisely orders, that is of necessary relation to the express command of God, or is so requisite for the doing of it, that it cannot be well done without it, by any other instrument, nor by itself alone. In this it is to be supposed, that the spirit of government, which God hath given to his church, will sufficiently assist, and therefore does competently oblige: less than this the Spirit of God cannot be supposed to do, if it does any thing beside giving and revealing the express commandment and necessary duty.

23. Beyond these strict and close measures, there is no doubt but the Spirit of God does give assistance; as the great experience of the church, and the effects of government, and the wise rules of conduct, and the useful canons, and the decent ceremonies, and the solemn rites, and the glorifications of God consequent to all this, do abundantly testify. But yet beyond this, the bishops can directly give no laws, that properly and immediately bind the transgressors under sin: and my reasons are these,

24. (1.) Because we never find the apostles using their coercion upon any man but the express breakers of a Divine commandment, or the public disturbers of the peace of the church, and the established necessary order.

25. (2.) Because even in those things, which were so convenient that they had a power to make injunctions, yet the apostles were very backward to use their authority of commanding; much less would they use severity, but entreaty. It was St. Paul's case to Philemon[n] before mentioned; "Though I might be much bold in Christ to enjoin that which is convenient; yet, for love's sake, I rather entreat thee."

26. (3.) In those things where God had interposed no command, though the rule they gave contained in it that which was fit and decent, yet if men would resist, they gently did admonish or reprove them, and let them alone. So St. Paul in case of the Corinthian men wearing long hair; "If any man list to be contentious, we have no such custom, nor the churches of God:" that is, let him choose; it is not well done, we leave him to his own liberty, but let him look to it.

27. (4.) If the bishop's power were extended further, it might extend to tyranny; and there could be no limits beyond this, prescribed to keep him within the measures and sweetness of the govern-

[1] *Heb.* xiii. 17. [m] 1 Thess. iv. 2, 3, 6. [n] Philem. 8, 9.

ment evangelical: but if he pretend a Divine authority to go further, he can be absolute and supreme in things of this life, which do not concern the Spirit, and so fall into dynasty, as one anciently complained of the bishop of Rome, and change the father into a prince, and the church into an empire.

28. But this hinders not, but that the power of spiritual rulers may yet extend to a further use, not by a direct power of command, or of giving laws, but by all the indirect and collateral ways of obligation, as, of fame, consent, reputation of the man, the reverence of his person, and the opinion of his wisdom and sanctity, by voluntary submission, and for the avoiding scandal: when any of these causes of action or instruments of obligation do intervene, the bishop does not directly bind, but the people are bound: and their obligations, from all these principles, are reduced to two heads. "The matter of scandal;"—in which case, under pain of sin, they must obey in all lawful things, when by accident and the concourse of emergent causes it is scandalous to disobey. And the other is, "Their own consent:" —for however it be procured fairly, if they once have consented, they are become a law unto themselves, and so they remain, till his law suffers diminution, as other laws do that die:—of which I am afterwards to give account.

There is one way more, by which ecclesiastical laws do bind; but this is the matter of the next rule.

RULE V.

When the Canons or Rules of the ecclesiastical Rulers are confirmed by the supreme civil Power, they oblige the Conscience by a double Obligation.

1. Τὸ *νομοθετεῖν ἀνεῖται τοῖς βασιλεῦσι*, say the Greek lawyers: "The power of making laws,"—viz. of determining things not commanded by God, or of punishing prevarications against God's laws or their own,—" is granted to kings." And therefore as secular princes did use to indict or permit the indiction of synods of bishops; so, when they saw cause, they confirmed the sentences of bishops and passed them into laws. Before the princes were christian, the church was governed by their spiritual guides, who had authority from God in all that was necessary, and of great conveniency next to necessity; and, in other things, they had it from the people, from necessity and from good-will, by hope and fear, by the sense of their own needs, and the comfort of their own advantages. It was " populus voluntarius," the people came with free-will offerings, and were at first governed by love, as much as now they need to be by fear and smart. But God was never wanting to his church, but made provisions in all cases and in all times. Of that which was necessary, Christ left in his ministers a power of government: and in that which was not primely necessary, but emergently and contingently came to be useful and fit, he only left in his ministers a power to persuade: but he gave them an excellent spirit of wisdom and holiness, by which they did prevail, and to the people the spirit of love and obedience: and these together were strength enough to restrain the disobedient. For as, in the creation, there was light before the sun, that we might learn that the sun was not the fountain of light, but God;—so there was a government in the church, even before the princes were christians, that the support and ornament of God's church might be owned as an efflux of the Divine power, and not the kindness of princes. But yet as when the light was gathered and put into the body of the sun, we afterwards derived our light from him, and account him the prince of all the bodies of light; so when the government external of all things was drawn into the hands of princes becoming christians, to them the church owes the heat and the warmth, the light and the splendour, the life of her laws, and the being of all her great advantages of maintenance and government. At first the church was indeed in the commonwealth, but was reckoned no part of it; but, as enemies and outlaws, were persecuted with intolerable violence; but when the princes of the commonwealth became servants of Christ, they were also nurses of the church, and then it became a principal part of the republic, and was cared for by all her laws.

2. For this first way was not like to last long; for good manners soon corrupt: and a precarious authority, though wise and holy, useful and consented to, was not stable as the firmament of laws that could compel: and yet it became necessary, by new introduced necessities, that there should be rules and measures given in things relating to the church, concerning which God himself had given no commandment; as concerning order in synods and conventions ecclesiastical, the division of ecclesiastical charges, the appointment of under-ministries in the church, the dispensation of revenues, the determination of causes and difficulties in manners of speaking or acting, and whatsoever was not matter of faith or a Divine commandment; in all that new necessities did every day arise, and the people were weary of obeying, and the prelates might press too hard in their governing, or might be supposed to do so when they did not, and the people's weariness might make them complain of an easy load; and it was not possible well to govern long by the consent of the people who are to be governed. It pleased God to raise up a help, that should hold for ever, and when the princes became christian and took care of all this, that is, of all the external regiment of the church, of all that was not of spiritual nature and immediate necessary relation to it, then the ecclesiastical laws were advised by bishops and commanded by kings; they were but rules and canons in the hands of the spiritual order, but laws made by the secular power. And now these things are not questions of the power of the clergy, but a matter of obedience to kings and princes.

3. These canons, before the princes were christian, were no laws further than the people did consent; and therefore none but the men of good-will, the pious and the religious children of the church, did obey: but now that princes have set the cross upon their imperial globes and sceptres, even the

wicked must obey: all are tied by all manner of ties, and all can be compelled that need it. These ecclesiastical laws so established, the Greeks call διατάγματα, θεσπίσματα, χρυσόβουλλα, κυροῦντα τὰς συνοδικὰς ἀποφάσεις, "edicts, orders, and golden bulls, commanding or making into laws the sentences and rules of synods."—The ἀποφάσεις, that is the effect and production of bishops in their conventions, that is, they have "jus pronunciandi quid sanctum, quid non," "a right of pronouncing what is for God's glory and the interests of religion, and what not:" but the τὸ κῦρος καὶ τὸ κράτος, "the establishment and the command" belong to princes. The synod hath a κρίσις or "a right of judging," but the ἐπίκρισις or "confirmation" of it into a law belongs to the civil power. So we find in a synodal epistle "de non avellendis episcopis à suâ metropoli;" εὑρέθη τι καὶ τοιοῦτον γενόμενον κρίσει συνοδικῇ, καὶ ἐπικρίσει βασιλικῇ κυρωθὲν, "Some such thing as this hath been found done by the decree or judgment of a synod, but established by after-judgment of the king."—To the same sense are those words of ἐπιστάλματα applied to the bishops' canons, and προστάγματα to the king's edict upon them: and therefore the emperors and princes were said ἐπισφραγίζειν τὰ κεκριμένα,[o] "to put the seal of their authority to the decrees of the fathers."[p]

4. For it was never known in the primitive church, that ever any ecclesiastical law did oblige the catholic church, unless the secular prince did establish it. The Nicene canons became laws by the rescript of the emperor Constantine, says Sozomen. He wrote an epistle, and commanded that all churches should keep Easter by the canon of the Nicene fathers, and made it capital to keep any of the books of Arius. When the council of Constantinople was finished, the fathers wrote to the emperor Theodosius, and petitioned "ut edicto pietatis uæ confirmetur synodi sententia," "that he would e pleased to confirm the sentence of the council by is edict:"—"Ut quemadmodum literis, quibus nos ocabas, ecclesiam honorasti, ita etiam decreta, ommunibus suffragiis tandem facta, sigillo tuo confirmes." The emperor had done them favour and onour in calling them together, and they petitioned e would also confirm what they had agreed upon, nd by his zeal make it authentic. The confirmaion of the canon and decrees of the great Ephesine ouncil by the emperor is to be seen at the end of ne acts of the synod: and Marcian, the emperor, rote to Pelladius his prefect, a letter, in which he stifies, that he made the decrees of the council of halcedon to become laws. For having forbidden ny person to make assemblies and orations of region in public, he adds this reason, "Nam et inuriam facit reverendissimæ synodi judicio, si quis emel judicata ac rectè disposita revolvere et publicè isputare contenderit; cum ea quæ nunc de christianâ de à sacerdotibus, qui Chalcedone convenerunt, per ostra præcepta statuta sunt," &c. "For he does njury to the judgment of the most reverend synod, he shall unravel and dispute the things, which ere there judged and rightly disposed; since those things appointed by the bishops, met at Chalcedon, concerning christian faith were commanded by us; or were appointed by our commandment."—"Nam in contemptores hujus legis pœna non deerit," "They that despise this law, shall be punished."—Thus also the fathers of the fifth general synod petitioned Justinian to confirm and establish their canons into a law, in the same form which was sent to Theodosius by the bishops of the general council at Constantinople before mentioned. The same prince also published a novel[q] in which he commands "vim legum obtinere ecclesiasticos canones à quatuor synodis, Nicenâ, Constantinopolitanâ primâ, Ephesinâ primâ, et Chalcedonensi expositos et confirmatos;" "that all the laws which were made or confirmed by the four last general councils, should have the force of laws: that is, all their own canons, and those of Ancyra, Gangra, Antioch, and Laodicea," which were then adopted into the code of the universal church, though they were but provincial in their original.

5. So that now, upon this account, the ecclesiastical laws are as obligatory to the conscience, as those which are made in a civil matter; and there is no difference but in the matter only: but for that there will be some advantage; for as the civil power hath authority in ecclesiastical matters, so the spiritual power hath a share in the legislative: the matter is handled by the ecclesiastics, and the law is established by the secular. And therefore, if it be thought, that the cognizance of these things is not proper for seculars, those that think so, may be satisfied that the bishops have judged the thing already: and they that think the bishops have no power of making the law, may learn to obey, because the prince hath by his legislative established it. So one hand helps another, and both are lift up to God, but will fall heavy upon the disobedient.

Sect. 2. *Of Censures ecclesiastical.*

I have given the general measures of the legislative power of the ecclesiastical state: next to this I am to account concerning their coercive, sect. 2; and then return to the inquiries after the more particular subjects of this power, sect. 3; and their particular laws and their obligations upon the conscience in external order, sect. 4; and in matters of faith, sect. 5.

RULE VI.

Kings and Princes are, by the Ties of Religion, not of Power, obliged to keep the Laws of the Church.

THE laws of the church I have already divided into such which she makes by a Divine authority, such which concern our essential duty, in which she hath power to command and rule in her appointed manner: and into those which are external, political, and contingent, such which princes, if they please, make up into laws, but the spiritual power

[o] In Act. Concil. Constantinop.

[p] Vide chap. 3. rule 8. hujus libri. [q] Vide Concil. Tolet.

cannot. In the first sort, kings and princes are as much tied to obedience as the meanest christian subject. For the king, though he be supreme in government political, yet his soul is of Christ's fold, and to be conducted by a proper shepherd. It is no contradiction that the same person should be supreme, and yet obey in another regard in which he is not supreme. The captain that fights in a ship, commands the soldiers in chief, but himself obeys the master; and the safety of the soldiers depends upon them both: for they are distinct powers in order to distinct purposes. For kings must give an account for bishops, that they live well in the political capacity, and bishops for kings in their spiritual; and therefore they must obey each other; and we find that persons of greatest honour in the days of peace, serve under captains and generals in the time of war: and when Themistius an excellent philosopher, who from his chair did rule and dictate wise things, and give laws to the understandings of his auditors, and was admired by his prince, was by the emperor Constantius advanced to a prefecture, in an excellent epigram he says to himself, Νῦν ἀνάβηθι κάτω, καὶ γὰρ ἄνω κατέβης, "Now ascend downwards, for thou hast already descended upwards." The same dignity is above and below in several regards. But in this there is no difficulty, because the souls of princes are of equal regard, and under the same laws of God, and to be cleansed and nourished by the same sacraments, and tied to the same duty by the commandments of God as any of the people; in this there is no difference.

2. But in matters not of necessary duty, not expressly required by God's law and the necessary, unavoidable, immediate consequents of it, there being no laws but what themselves have made, they are no otherwise obliged than by their own civil laws: of which I have already given account. This thing is particularly noted by Balsamo upon the sixteenth canon of the council of Carthage, who affirms, that by reason of the power given to princes from God, they are subject neither to their laws nor canons. And of this latter he gives this instance, that although by the twelfth canon of the council of Chalcedon it was decreed, that no city should for the future acquire the title of a metropolis, yet after this "Justinianea prima" was made an archiepiscopal seat, and had metropolitical rights, to the diminution of the former rights of Thessalonica: but Balsamo instances in divers others. There was an ancient canon of great celebrity in the church, that every city should have a proper bishop: but the bishops of Isauropolis and Tolma, besides their own, had others; so had the bishops of Litchfield and of Bath in England: they had other cities under their jurisdiction which had no bishops in propriety. For if kings did give limit to their diocesses, they might divide again, and give a new limit; since it is not in kings as it is in people. The power that goes from the people, is like water slipped from their hands; it returns no more, and does not abide in the first place of its efflux: but when an act of power passes from the king, any deputation or trust, any act of grace, or delegation of jurisdiction, it is like heat passing from the fire, it warms abroad, but the heat still dwells at home. It is no more the less, than the sun is for emission of its beams of light.

3. And this is apparent in all the privileges and concessions made to the church, which are as revocable as their duty is alterable. For princes are so far from being obliged to perpetuate such rights which themselves have indulged, that it is a ruled case, and the Greek fathers[r] sometimes make use of it to this very purpose: Ὁ δωρησάμενος βασιλεὺς, εἰ ἀχαριστίας παρεμπέσοι λόγος, ἀναλαμβάνει τὴν δωρεὰν, "If a king hath given a gift, he may recall it in case the beneficiary proves ungrateful."—The same with that in the feudal laws of the Lombards, "Feudum amittit, qui feudum sciens inficiatur:" "If he wittingly denies the fee, or refuses homage, he loses it."—But this depends upon the reasons of the second rule in the third chapter of this book.

4. But although in strict right the king's laws oblige him not; yet because "de bono laudabili" he is, in the senses above explicated, obliged to his civil laws,—therefore much more is he tied to the observations and canons of the church, as being specifications of religion, instances of love to God, significations of some internal duty, or outer guards to piety, great examples to the people, and honours to the church of Christ, and that which above all external things will enable the rulers and guides of souls to render their account with joy; and the king shall never so well promote the interests of religion by any thing, as by being himself subject to the religion: for who will murmur at those laws which the king himself wears in a phylactery upon his forehead and his wrists? "Facere recte cives suos princeps optimus faciendo docet; cumque sit in imperio maximus, exemplo major est," said Velleius Paterculus. This is most of all true in religion, whose laws look too like policy, when they are established only by penalties: but they are accounted religion, when they are made sacred by example. To which purpose is that of Tacitus;[s] "Obsequium inde in principem et æmulandi amor validiora quam pœna ex legibus:" "It is duty to our prince, and it is our honour to imitate the example of the prince; and these prevail more than penalties."—"Hæc enim conditio principum, ut quicquid faciant, præcipere videantur," says Quintilian.[t] Their example is the best law.

Sic agitur censura, et sic exempla parantur,
Si judex, alios quod jubet, ipse facit.

So laws and judgments and good manners are best established, when, by the examples of kings and supreme judges, they are made sacred.

Add to this, that the laws of religion have, most of them, the warranty of some internal grace or other, and are to be reckoned in the retinue and relation of that virtue; and therefore cannot, in many instances, be broken without some straining of our duty to God, which is, by the wisdom and choice of men, determined in such an instance to such a specification. But this is to be understood only in such laws which are the προφυλακαὶ, "out-guards," the exercises of

[r] Leunclav. Βασιλικ. [s] Annal. 3. [t] Declam. 4.

internal religion, not in the garments and adornments of the relatives and appendages of religion. If a prince despises the festival of the church, nothing but a competent reason will excuse him from being, or at least from seeming, irreligious. And in whatsoever instance he hath made or consented to laws of religion, if by them he can suppose the people may serve and please God, he is much more obliged than they; not by the duty of obedience, for he owes none, but by the virtue of religion: for besides that his soul must live or die by greater measures and exactions of those virtues, which bring the people unto heaven, every action of his that deserves an ill report, it is but scandal in the lesser people, but to him it is infamy. For the king's escutcheon is blazoned otherwise than that of his subjects: the gentry by metals, the nobility by precious stones, but kings by planets. For in a king there is nothing moderate. "Cavere debet qualem famam habeat, qui qualemcunque meruerit, magnam habiturus est," said Seneca:[u] "His fame, let it be good or bad, it will certainly be very great."

5. The sum is this: kings are so tied to their own ecclesiastical laws, that they must take care they be not despised by their example, that the religion designed by them be promoted, that that part of the commonwealth which most secures to them obedience and peace, and procures them the most and greatest blessings, be not discouraged or disadvantaged: but they are not so tied, that every act of omission is imputable to them, though it have no other cause but the use of his liberty. For in this his duty differs from that of his subjects: for obedience which the subject owes, is a part of justice, and that hath no degrees, but consists in an indivisible point, where it can be practised, and where it can be understood; for he is unjust, that does one act of injustice. But religion hath a latitude of signification and instances, and a man may be very religious who yet does not keep a saint's day, where by obedience he is not bound: which is the case of kings. Therefore what Seneca said of the cares of kings, may be said of the external observations of the laws of religion; "Remissum aliquando animum habebit, nunquam solutum;" "He may remit something of the strict observance, but he must never esteem himself wholly quit."

6. But this is to be understood only in externals and rituals; concerning which one said excellently, "Pleraque ex iis magis ad morem quam ad rem pertinent;" "They are nothing of the substance of religion, but only appendages," and manner, and circumstances: and therefore "sapiens servabit ea tanquam legibus jussa, non tanquam Diis grata," "a wise man will observe rituals, because they are commanded by laws, not that they are pleasing to God:"—they are the words of Seneca quoted by St. Austin.[x] Since therefore these are wholly matter of obedience, kings are free, save only when they become bound collaterally and accidentally. But in matters of essential duty, the king hath equally with his subjects no liberty, but much more direct duty, and many more accidental obligations. The whole affair is well enough expressed by Cicero:[y] "Religioni parendum est, nec patrius mos contumaciter repudiandus:" "The prince must obey religion, and he must not despise the customs and the manners of his country;" that is, in the better words of our blessed Saviour, "These things they ought to do, and not [*wholly*] to leave the other undone."

7. But the liberty of princes in these ecclesiastical laws of order, and circumstance, and ritual observances, is very apparent in the practice of the Hebrew kings, who yet possessed this liberty, that even, in the rituals of the Divine ordinance, they sometimes did dispense. Thus David ate the shewbread; and Hezekiah permitted some that were unclean to eat the passover, otherwise than it was written:[z] only Hezekiah prayed to God not to impute it to them, and gave them way: and under his reign the Levites did kill the sacrifice twice, which was only lawful for the priest to do. But it was a favourable case, because the priests[a] were but few, and the sacrifices were very numerous: and if it be (as the Greek expression is) lawful, χαλάσαι τι τῆς ἀκριβείας, "to loose a little of the exactness" of the rituals of the Divine appointment, it is certain, where the man is the lawgiver, he can much more use the liberty. But it is not good to do all that is lawful.

RULE VII.

It is not lawful for the ecclesiastical Power to excommunicate Christian Princes, or the supreme civil Power.

1. IN the sentence and penalty of the lesser excommunication, as it is used in the church, there are three portions of evil. In one, the bishop is the author or minister,—in the other, the people,—and in the third, the prince. The first is a denying to minister the holy mysteries. The other is a withdrawing from the communion and conversation of such a person: which although it be done most of all in the greater excommunication, yet it is done also in some proportion in the less, for emendation of the erring brother; not for extermination, as appears in the apostolical precept given to the church of Thessalonica.[b] And the last is supervening temporal punishments, by which princes use to verify the just sentences of the church against refractory criminals.

2. Concerning the last, it is certain it wholly is owing to the power and favour of the prince; who, by that favour, is not supposed to lay violent hands upon himself, who, if he did, could quickly take them off again: however, the church inflicts not them by her own authority, but by that of the prince, who will not, like the tree in the fable, lend a stick to the hatchet, to be hewn down or hurt by it afterwards.

3. But then concerning that part which is inflicted by the people, which is abstinence from the so-

[u] De Clementiâ.
[x] Lib. 6. de Civit. Dei.
[y] De Divin. c. 2.
[z] Levit. vii. 20. 2 Chron. xxx. 18.
[a] Levit. i. 5. 2 Chron. xxix. 24. xxx. 17.
[b] 2 Thess. iii. 6, 14, 15.

ciety of the offender till he repent and make amends, and get his pardon,—it is infinitely certain that the church cannot inflict that on kings; because it is destructive of the duty which the people owe to their prince,—and of the rights, which the prince hath from God independently from the religion.

4. Besides this, nothing ought to be done to the dishonour of the supreme power, to whose happy government fame is almost as necessary as power: and the imposing upon them disgraceful penalties is κρίσις βλασφημίας, "a note of dishonour and blasphemy;" for they are to esteem their king as a heathen and a publican, from whose society they are to estrange themselves as from a pestilence. "Invisum semel principem, seu bene seu male facta premunt," saith Tacitus. If he once fall into such a calamity and dishonour, whether he do well or ill afterwards, it shall be evil to him.

5. And yet further; the power of assemblies and public meetings is wholly by the laws and permission of kings; and nothing is more unreasonable, than that any man should interdict kings from public meetings, by whom himself hath leave to meet publicly. And therefore we find imperial laws making provisions in this very particular, and so far from being subject to any thing of this nature, that the emperors gave orders and strict measures to the bishops when they should, and whom they should or should not, separate from churches and communions.[c] For even in those actions of bishops, in which themselves have liberty and Divine authority, yet the supreme civil power hath external jurisdiction. Thus Mauritius the emperor commanded Gregory the Great, bishop of Rome, to communicate with John of Constantinople; and anciently, in France, the princes were wont to compel the clergy to officiate: and when the pope had interdicted the kingdom of England, the king compelled the priests and bishops to open their churches: so it is in Holland, and so in Venice, and so in all places, where kings know their power and their interest and their duty.

6. For if excommunication be only an act of caution and prudence, it is very great prudence not to involve kings in it, lest they be provoked by the evil usages of the church; and if it be nothing else, certainly it cannot be necessary to be done at all. But if it be an act of external jurisdiction, it derives from kings, and therefore they are not under it, but over it: for no coercion in the hands of man ought to touch those, who are reserved only for the judgment of God. "Apud Serenissimum Regem opus est exhortatione potius quam increpatione, consilio quam præceptis, doctrinâ quam virgâ," saith Hildebertus the bishop: "The king is to be exhorted, not reproved; counselled, not commanded; and to him not a rod, but doctrine is to be used:" and Ivo, bishop of Chartres,[d] said the same thing. Kings, if they abuse their power, are not to be provoked; but in case they refuse the admonition of bishops, they are to be left to the Divine judgment; where they will be punished the more severely, by how much they were the less obnoxious to human monitions. So Gregorius Turonensis; "Si tu excesseris, quis te corripiet? Si autem nolueris, quis te damnabit, nisi is qui se pronunciat esse justitiam?" He spake to King Chilperic:—"If thou beest exorbitant, who shall correct thee? If thou refusest, who shall condemn thee, but he only who is the everlasting righteousness?" For if St. Paul[e] gave in charge to Timothy, that each person should receive an impression and emanation from the pastoral charge according to his quality, and commanded that he should "not rebuke an elder, but entreat him as a father;" much less would he have permitted any to have punished the father of the country and his own superior, and him who is less than none but God, and by whom himself can rule others in external actions, and who, in these very administrations, is superior, and can give laws, and inflict penalties, and is judge and the remedy of all abuses.

7. And if concerning this inquiry we consult the doctrine and practices of the fathers in the primitive and ancient churches, we shall find that they never durst think of excommunicating kings. They had no power, no right, to do it. "Nam sacerdotis tantum est arguere, et liberam præstare admonitionem," saith St. Chrysostom;[f] "Priests can only reprove and argue, and give a free admonition:" and therefore the first supreme prince that ever was excommunicated by a bishop, was Henry the emperor, by Pope Hildebrand.

8. But against this that I say, now the doctors of the church of Rome make a mighty outcry, saying that Philip the first christian emperor was excommunicate and thrust amongst the penitents; that Babylas the bishop of Antioch thrust the emperor Decius with his hands against his breast from the doors of the church; that Athanasius excommunicated the prefect of Libya, and St. Basil commanded in his diocess that he should be avoided; that St. Ambrose did excommunicate the emperor Theodosius; that St. Chrysostom forbade Eudoxia the empress to enter into the church-doors, that Innocentius excommunicated Arcadius; so did Synesius to Andronicus the prefect, St. Austin to Bonifacius, Pope Symmachus to Anastasius the emperor, Pope Vigilius to Theodora the empress, Gregory II. to the Exarch, Gregory III. to Leo Isaurus. Instances[g] enough, if they be right and true, to show that the fathers were of another mind than the rule pretends.

9. But in this heap I must separate what is true and certain from what is false and uncertain, and give an answer to them, and the rest will not trouble us. The story of the emperor Philip is vehemently suspected: but if it were true, yet it was no excommunication, but his own submission to the discipline of penitents; to which, saith Eusebius, he was per-

[c] As is to be seen lib. 30. Cod. de Episc. et Clericis, and in the 123d Novel of Justinian.
[d] Epist. 171.
[e] 1 Tim. v. 1.
[f] Homil. 4. de Verbis Isa. Vidi Dominum.

[g] Euseb. lib. 6. cap. 27.—Chrysost. adv. Gentes.—Basil. ep. 47.—Paulin. apud Baron. A. D. 381.—Theod. lib. 5. cap. 17.—Leo. Aug. Orat. de Vita Johan. Chrysostom.—Nicepb. lib. 13. cap. 34.—Aug. Epist. 6. in Append.—Greg. lib. 2. ep. 36.—Anastas. Biblioth. in Greg. II.

suaded by the bishop.—And the same was the case of St. Ambrose to Theodosius:[h] the prince was persuaded to it, but it was only to do his repentance after the manner of the penitents in those days; the bishop only refused to celebrate in the presence of the emperor, if he would not give testimony of his repentance towards God. This the emperor did, because he was a good man, and things were then in such a conjunction, that there was nothing amiss: but St. Ambrose could not have verified his power, if the emperor had been unwilling, and the emperor did no more than was necessary. But St. Ambrose said, that he had his warrant to use the emperor so, from a vision. His warrant was extraordinary: for he had no ordinary power or commission. The excommunications of the prefects by St. Athanasius, St. Basil, St. Austin, Synesius, and Gregory II., do not come home to the inquiry, because the prefects were but subjects, and had not the privilege of supreme princes. The fact of Babylas to Decius was not excommunication: for Decius was a heathen, and the church hath "nothing to do with them that are without;" but Babylas was zealous and fierce, and acted with the spirit of a martyr, to which he hastened by his fervour. St. Chrysostom indeed did that to Eudoxia which did not become him, and which he had leisure and cause enough afterwards to repent: he did in anger, what himself, in the sober hours of his life, professed to be more than he could justify. That of Innocentius to Arcadius is of no credit, and so is that of Symmachus to Anastasius, as being only seen in the epistles of the popes of Rome; concerning which there is nothing certain, but that very many of them are certainly spurious. The pretended excommunication of Theodora by Vigilius hath no testimony. "Contra Theodoram et Acephalos Vigilius pronunciavit damnationis sententiam," said Gregory.[i] But this was nothing but a condemnation or rejection of the heresy of the Acephali, with which she was a partaker. And the like was the case of Leo Isaurus; it was "sententia damnatoria," "a condemnation of his opinion," called by Zonaras *ἀνάθεμα συνοδικόν*. But these things are only pretended to make noises. Pope Hildebrand was the first that ever did any thing of this nature; as is expressly affirmed by authors of great credit, by Otho Frisingensis, by Godefridus Viterbiensis, and by Onuphrius, who counted all the other pretences either fabulous or to no purpose.

10. But yet there is a third portion of excommunication, which is a denying to administer the holy communion to princes of a scandalous and evil life; and concerning this there is no question but the bishop not only may, but in some cases must, do it. "Nolite dare sanctum canibus," said Christ, "Give not that which is holy to dogs:" and cast not pearls before swine. But this is not an act of jurisdiction, punishment, or coercion, but of charity to the prince and duty in the bishop. It is just as if a physician should refuse to give drink to an hydropic patient; he may have it, if he will be willing to die; but if the other refuses his ministry in the reaching it, he is charitable and kind, not imperious and usurping. For whatsoever is in the ecclesiastical hand by Divine right, is as applicable to him that sits upon the throne, as to him that sits upon the dunghill. But then the refusing it must be only by admonition and caution, by fears and denunciations evangelical, by telling him his unfitness to communicate, and his danger if he do: but if after this separation by way of sentence and proper ministry the prince will be communicated, the bishop hath nothing else to do but to pray, and weep, and willingly to minister. St. Gregory's case with Mauritius the emperor was like this. The prince commanded him to be the minister to hand an unlawful edict to the churches: the bishop told the prince it was a sin which the prince went about, prayed, admonished, declaimed, did all that he could to hinder it, and then obeyed; that is, he did all he could to God, by using all this authority, the word of his proper ministry, and then all that he owed to the prince, by submitting his external ministry to his command. The unlawful proclamations and edicts of a true prince may be published by the clergy in their several charges; but yet they must not conceal from the people any thing of their duty, nor yet from their prince when they can declare it. It was also the case of Saul and Samuel.[k] The king desired Samuel to join and communicate with him in the service of the Lord. He, with the liberty of a prophet, refused at first, and declared the heinousness of Saul's sin; but at last, when the king's will was pressing and importunate, Samuel did obey his voice and did join with him. Ivo bishop of Chartres tells, that in such cases, where princes will not comply with the customs and disciplines of the church, the bishops must do their duty by saying, "Nolo te fallere; introitum hujus visibilis ecclesiæ periculo tuo te habere permitto. Januam regni cœlestis tali reconciliatione tibi aperire non valeo." —"Sir, I will not deceive you; at your peril be it, if you will come into the holy place to partake of holy mysteries. I declare to you, that this ministry (of the communion) is not any reconciling of you to God: I cannot do that, unless you repent." But the reason of this is wholly upon this account, because the ecclesiastical state hath no proper coercion by Divine right, but is a minister of the Divine coercion, of spiritual promises and threatenings; their power is spiritual and internal, it hath its effort upon the spirit, and not upon the outer man, and therefore is to proceed by methods fitted to the spirit, that is, by reason and argument, by the fear of God, and the terror of his threatenings, by the love of God and the invitation of his promises. But all the ministries and compulsions about the external is the gift and leave of princes; and therefore it descends, but ascends not, unless they please; of which by and by. "Admoneri quidem possunt, increpari, argui à discretis viris: quia quos Christus in terris Rex regum vice suâ constituit, damnandos

[h] Ultrò à communione abstinuisse Theodosium aiunt Ruffinus, lib. 2. cap. 18. et Waremund. ab Erenb. cap. 2. de Subsid. Reg. n. 35. et seq.

[i] Lib. 2. ep. 36.

[k] 1 Sam. xv. 25.

et salvandos suo judicio reliquit," said the church of Liege in their epistle to Paschalis: "Kings may be admonished and reproved and argued by discreet persons; but they whom Christ the King of kings hath appointed to be his vicars on earth, are entirely to be left to his judgment."

Upon the likeness of matter it is to be inquired,

11. Whether the guides of souls have a proper and spiritual power, to enjoin penances or ecclesiastical satisfactions to a prince that hath sinned publicly.

12. The answer to this depends upon the premises. For the church, when she enjoined public satisfactions, did separate from the communion those, whom they thrust into the place of public penitents. Now if the bishops may not separate the prince from the communion, then neither impose those penances to which that separation did minister: but this is one of the censures of the church, and part of that coercitive power which she hath by the permission of princes and the voluntary submission and consent of good people: and therefore it cannot be done, unless the prince please. In the primitive church, when this discipline was in godly use, none could be compelled to it, but by conviction in public, or private confession, and in both cases their own consent was either express or implied: and therefore much less can this be done to the supreme power whether he will or no. "Imperatoriâ unctione pœnitentiam tolli," said Balsamo;[1] "From the suffering penances, kings are quitted by their anointing:" and upon those words of David, "Against thee only have I sinned," St. Ambrose hath this note,—"He was a king, he was held by no laws, because kings are free from the bands of delinquents;" "neque enim ullis ad pœnam vocantur legibus tuti imperii potestate," "neither are they by any laws called to penance, being safe by the power of their empire."—And since the primitive church was infinitely restrained in imposing public penances on bishops, for the honour of their order and dignity of their persons, we shall the less need to doubt of their opinion or practices concerning kings.

13. But yet we find, that some excellent good princes did submit to such imposition of penances, and did abstain from the public communions, till they had given testimony of their repentance towards God. So the emperor Philip, προθύμως ἐπειθάρχησε, he of his own willing mind placed himself amongst the penitents. So did Theodosius, under the discipline and conduct of St. Ambrose. But these things are but cautiously to be drawn into example, and as they give no power to the bishop, so very seldom do they advantages to kings. Henry the emperor was a sad example of it; for his affairs went into diminution, and his person into contempt, and his power into pupilage, as soon as ever he had done penance at Canusium barefooted, in a cold winter, for three days together, and had endured the insolency and scorn of Hildebrand. And when kings made themselves less, the bishops became greater without any good to the church, but not without much detriment to religion.

[1] Ad can. 12. synodi Ancyranæ.

14. "But neither may princes be reproved publicly."—For if he will not be obedient to the will of God in the voice of his ministers publicly teaching, or privately admonishing, and prudently reproving; he that goes about to reprove him publicly, intends, by that means, by some indirect coercion to compel him, either by shame or by fear; neither of which ought to be imposed by a subject on the prince. For it is to be observed, that reproof is a part of empire and superiority, and differs not from teaching, save only that it is "manus linguæ," it is "the hand of the tongue," not the voice only. He that reproves, teaches only minors: and though kings are so in respect of the conduct of their souls, yet it must not be done to them but very sparingly, because it can very hardly be done without diminution of their dignity; and teaching or declaring their duty will do their work for them if they please, and if they do not please, he that reproves, will do the prince no good, but he shall hurt himself, and shall not be a martyr when he is smitten. Let no man therefore pretend zeal for God in excuse of any boldness more than priestly towards kings. For the work of God is oftentimes better done by a gentle hand, than by a strong.

—— peragit tranquilla potestas
Quod violenta nequit; mandataque fortius urget
Imperiosa quies ——.[m]

And if we esteem reproof unseasonable where it is likely we may do hurt, and where it is not likely we shall do good, much more is not this course prudent to be used to kings, who may be provoked by your ungentle sermon, or may be hardened by your fire. For every prince hath not the gentleness of Antigonus, patiently to hear himself reviled: but if he had, yet it was but reason that Antigonus spake, when he bade the soldiers, if they would revile him, to go further off. And such men should do well to consider, how ill themselves would take it, if they were publicly in the pulpit called schismatics or incendiaries. But how and if the people be as zealous as the priest, and think it lawful to call their king by all the names of reproach which they hear in the sermons of the ministers? And if the bishop calls a spade a spade, it is very possible the people may do so too, for they are soon taught to despise their rulers: and then it is to be remembered what Aristotle says, Ἐκ τοῦ καταφρονεῖσθαι πολλὰς γίγνεσθαι τῶν καταλύσεων· If they once come to despise their prince, they will soon unclasp his royal mantle.

15. It is true, that the ministers of religion are "stewards of the mysteries" of God and "ambassadors for Christ:" and though I cannot say, that they who, upon this account, think they have power publicly to reprove vicious kings, and in plain language give names to their vices and publish their shame, do overvalue their dignity, for that cannot easily be done; yet I say they use it incompetently and imprudently: for the effect of this power and dignity is not to upbraid, or to disgrace, but to edify and do good to all men according to their capacity:

[m] Claud. in Paneg. Mallii.

and therefore St. Paul, when he had declared his office and commission to be Christ's ambassador, he adds, as the full, express, and proper issue of that power, "We pray you, in Christ's stead, to be reconciled to God."

16. The old prophets took liberty, and were bold in their reproofs, and troubled kings; and the people sometimes were stirred too much upon such accounts: but when the prophets were charged with sedition, they only gave in answer the express commandment of God. And therefore it was that Amos,[n] being very bold, was bidden not to "prophesy any more at Bethel, because it was the king's chapel and the king's court:" and he was forced to plead a special mission; which the priests had not, and therefore we do not find that ever they used any such license and freedom of reproof, except in such cases in which they also became prophets; as it happened to Jehoiada:[o] and that is the very case of the ministers of the gospel, who, unless they had a special commission, must teach according to the duty and obedience, the gentleness and prudence, of the religion; lest it be said to them, as was said by King Amaziah[p] to a bold man that spake openly to him, "Have they made thee the king's counsellor; cease thou, why should they smite thee?"

17. Now in this there can be the less doubt, for they mistake it, that suppose this to be a question of duty; it is only an inquiry after the manner of doing the duty: and therefore, although, for the former reasons, this manner of doing their duty is not fit, yet it is necessary that the duty should be done. For "miser est imperator, cui vera reticentur." No misery is greater, than that kings shall not be taught their duty. They must be taught it all: and in this no liberty, if it be prudently conducted, can become licentious. To which purpose, the bishops and ministers of religion must thus comport themselves to kings.

18. (1.) Let the public doctrines be instructive, but not apt to raise suspicion of the prince. (2.) Let it be in things certain and of evident and apparent duty. (3.) Let no doctrines be fitted to private interests and partialities in the state. (4.) Let no reproof of kings be in pulpits, for it is uncivil towards any, "ut quis crimen audiat eo loco, quo refellendi copia non sit," as the Roman said;[q] that a man should be reproved in that place, where, for reverence and religion's sake, the man may not answer for himself. And therefore Clement III. caused a clergyman to be punished, because "multis coram astantibus, verba quædam in depressionem officii et beneficii nostri protulit," "he spoke words in a public audience tending to his disparagement:" and the emperors[r] Theodosius, Arcadius, and Honorius, made a law, "si quis modestiæ nescius, et pudoris ignarus, improbo petulantique maledicto nomina nostra crediderit lacessenda," &c. "that if any man, forgetting shame and modesty, thought fit to dishonour the emperors, he should not presently be punished: for if the man were a fool or a light person, the thing was to be despised; if he were a madman, he was to be pitied; if injurious or angry, he might be forgiven:" but "ad nostram scientiam referatur, ut ex personis hominum dicta pensemus, et utrum prætermitti an exquiri debeant censeamus:" the princes would have it referred to their cognizance and judgment, whether such persons should be punished or no. (5.) Let there be no doubtful speeches in public sermons scattered amongst the people concerning princes, for they are public seditions, not sermons. (6.) When it is necessary, or when it is prudent, that private addresses to princes be with a sacerdotal freedom, let it be in cases of great crimes, and evidently proved and evidently vicious, neither derived from uncertain rumours of the people, nor from trifling suspicions, nor yet be in matters of secret concernment and undiscerned reason. A prince may be reproved for notorious adultery, or evident murder, against the forms of law; but not so freely in the question of wars or judicature: for the bishop's private opinion may be warrant enough for him to speak it when he is required, but not to reprove a prince upon pretence of duty, and by a spiritual authority, when the matter of fact or the question of right is uncertain.

RULE VIII.

Ecclesiastical Censures are to be inflicted by the Consent and Concurrence of the supreme civil Power.

1. BY ecclesiastical censures I mean, the greater and lesser excommunication. This is a separation of a criminal (who is delated and convict by witnesses, or by confession voluntary) from the peace and communion of the church, till he hath, by exterior signs, signified his internal repentance: this is called the lesser excommunication. The greater, is only of refractory and desperate persons, who will be subject to no discipline, make no amends, return to no goodness, and forsake no sin. These the church throws out from her bosom, and shakes the fire from her lap, and quits herself of the plague: and this is called the greater excommunication, or the anathema. Both these are bound by the ecclesiastical power: but the first is bound, that he may be purged of his sins; the second, that the church may be purged of him. The first is bound, as a man is tied fast that he may be cut of the stone; the other is bound as a criminal, that is going to execution: he is bound, that he may be thrown into outer darkness. Not that the church hath power to damn any man; but when she observes a man confirmed in impiety, she does antedate the Divine judgment, and secures the sound members, and tells what will befall him in the day of judgment. In the first case, the penitent is like a wandering sheep; in the second he is turned a goat or a wolf: and by their own acts also, as well as by the power of the keys, they are both bound: the first consents to the medicine, and the reprobate hath, by his own act, incurred that death, which the church declares; and both are

[n] Amos vii. 10, 13. [o] 2 Chron. xxiv. 20. [p] 2 Chron. xxv. 16.

[q] De Maledic. cap. 1. [r] Tit. C. Si quis Imper. Maled.

acts of discipline, and directly or indirectly consequent to that power, which Christ hath given to his church, of binding and loosing, and to the charge of the conduct of souls.

2. These two are, by the fifth Roman synod under Symmachus, distinguished by the names of "excommunication" (meaning the lesser) and "anathema." "He that breaks the decrees of this synod, let him be deprived of the communion: but if he will not amend, 'anathemate feriatur,' let him be anathema." The same we find in the synod of Turon,[s] which commands that all the curses of the 108th (alias 109th) psalm, be cast upon church-robbers, "ut non solum excommunicati, sed etiam anathematizati moriantur;" "that they may die not only excommunicate, but anathematized."—"They which are never to be restored to the communion, but are to be cursed;" so Agapetus expresses it in his sixth epistle. This is called "eradication;" while the lesser excommunicates are still members of the church, as St. Austin notes.[t]

3. There is yet a third sort of excommunication, brought in by zeal and partiality, a willingness to rule or to prevail; which is no part of the power given by Christ, but taken up as it happened; it is no part of jurisdiction so much as improper, not an act of the power of the keys: and that is a refusing to communicate with him who is not excommunicate, a punishing one whom we have no power to punish, a doing that which we have no power to do at all, or to such a person over whom confessedly we have no authority or jurisdiction. For when this humour was got into the manners and customs of the church, they made a new distinction; and there was a "communio cum fratribus," and a "communio cum omnibus christianis." He that might communicate with the people, might not in some cases communicate with the priests and bishops his brethren. The distinction we find in the forty-fifth chapter of the council of Auxerre; and in pursuance of it, we find one bishop refusing to communicate with another. Thus if a bishop came not to the synod of his province, it was decreed in the fifth council of Carthage,[u] "ut ecclesiæ suæ communione debeat esse contentus," "that he should only communicate with his own diocess." The like to which we find in the second council of Arles,[x] in the council of Tarracon,[y] and the council of Agatho.[z] Thus Epiphanius, bishop and metropolitan of Cyprus, refused to communicate with the bishop of Jerusalem, who was not his suffragan.[a]

4. Concerning which way of proceeding;—1. It is evident that there is no authority in it, or any thing that is like to jurisdiction; and,—2. Sometimes there may be duty, but,—3. Most commonly there is danger. (1.) There is evidently no authority: for if the authority were competent, and the cause just, they might proceed to excommunication. But this was sometimes done by equals to equals, as by bishop to bishop, by church to church, as by Victor to the churches of Asia, by Stephen to the churches of Africa, and by angry or zealous bishops to them that were not of their humour or opinion. Sometimes it was done by inferiors to their superior, the people withdrawing themselves from their pastor; so the Samosatenians refused to communicate with their bishop, that was thrust upon them after the expulsion of Eusebius. So that evidently, in this matter, there is no authority to verify it.

5. (2.) Sometimes there may be duty: as if a bishop be a heretic or an open vicious person, his brother that is a bishop, may use that liberty to him, as the people might do to a brother that walks disorderly; that is, withdraw from his society, that he may be ashamed; and if his communicating with him will give countenance to his heresy, or offence to his people, he is bound then to abstain and to refuse it: and so are the people tied not to communicate with their priests or bishop, if the condition of his communion be a sin, or the countenancing of a sin. And thus we find in the annals of Spain, that a daughter of an Arian king of Spain suffered death rather than receive the communion from the hands of an Arian bishop. In her case her refusal was duty, and her suffering was martyrdom; because her father imposed his command of communicating with the heretical bishop, as a secret allowance of the heresy, which, in that case, she was to refuse, and obey God unto the death.

6. But when this does accidentally become a matter of duty, the charity of our communion is no further to be refused than we are obliged by our duty; we are not to refuse it to that person, but for that cause; and therefore, in other cases, and upon all other accounts, we are tied to do the charity of christians. I will not communicate with a Roman priest in his worship of images, or in his manner of praying for the dead, or invocation of saints: but I may not refuse to say the Lord's prayer and the "Credo" with him, unless by chance it give an offence to some weak uninstructed person. I will not receive the communion from the hands of him, who was ordained by a presbytery without a bishop; because his hand is a dead hand, and reaches me nothing: but because he is my brother, I will not refuse to give him the communion, if he will require it at my hand, which was made sacred by the Holy Ghost, invocated by the prayer and the lifting up of the bishop's hand. I will not come to their communions; but if they would use good forms of liturgy, and preach well, I would not refuse to communicate in such assemblies; unless, as I said before, I be accidentally hindered by some other duty drawing me off awhile.

7. But then, (3.) When it is not an express and a clear duty it is always a great danger, and occasion of schisms and divisions in the church, and consequently may be an infinite breach of duty, a certain violation of one virtue, for the uncertain preservation of another: it is commonly the daughter of spiritual pride, an accounting of ourselves more holy than our brethren, whom by such means we oftentimes provoke to jealousies and indignation; and so sometimes altars are erected against altars.

[s] Cap. 25. [t] Hom. 50. in Psal. ci. [u] Can. 10.
[x] Can. 19. [y] Can. 6. [z] Can. 35.

[a] Vide distinct. 18. cap. Placuit, &c. si quis autem, et cap. Si quis Episcopus.

and pulpits turn to cockpits, and seats of scorners and of proud and illiterate declamations. Upon this account christendom hath bled for many ages. The division of the east from the western churches,—and in the west, the division of Rome from divers churches, the Protestants and Reformed, came in at this door; while one church either pretends the singularity of truth, or the eminency of authority over other churches: by which two things the church of Rome hath been author of the permanent and greatest schisms of christendom. For indeed little better can be expected, when the keys of the church, which were given for the letting in or shutting out of single criminals or penitents respectively, are used to oppose multitudes. A man may lock his chamber door but he cannot put a lock upon the ocean; and it was wisely said of St. Austin,[b] that "to excommunicate a single person cannot make a schism, unless the multitude favour him:" intimating, that a multitude is a dangerous thing to be involved in censures. "The king nor the people are not to be excommunicated," is an old rule. For if the whole multitude be excommunicate, with whom shall we communicate? If great parts of them be, they plainly make a schism, if they unwillingly suffer the censure; and therefore that one church should do this to another, is very hardly possible to be done with wisdom, or charity, or necessity. For when St. Paul bade his flock to abstain from the society of fornicators, he told them he meant it only in the numbers of the brethren, where, it may be, one or two in a diocess, or city, of that religion, might be criminal; for he would not have them to "go out of the world" to keep that canon; and therefore meant not to involve the multitudes of fornicators, which were in the world. But now he that excommunicates a church, either does nothing at all, or he obliges every one in that church to separate from that multitude: and then if he must not go out of the world, he must go out of that country, which no spiritual power can command, and which the apostle never did intend, as appears in his caution and the whole economy and reason of that canon.

8. But I am to add this also, that there is scarce any case practicable, in which if it be indifferently permitted to the people to separate from the communion of their superior, it will not very quickly proceed to mischief, and become intolerable; a remedy worse than the disease. When Nestorius[c] had preached these words, "Whoever shall say that the Virgin Mary is the mother of God, let him be accursed," the people had reason to be offended; but they did ill, when they made a tumult: for when the people are stirred, zeal is the worst thing about them. Thus when the two deacons of Pope Vigilius were displeased with their bishop in the cause of the three articles, which the pope had condemned in the fifth general council, they very pertly withdrew themselves from his communion: and the effect of it was, that almost all the Roman church, and divers other western churches, did so: and so did the people of Istria to their bishops in the same cause, and so did many more: and the evil grew so great, when every one would, as he pleased, withdraw himself from the communion of their bishop or priest, that it was under great penalty forbidden by the eighth synod, the tenth chapter.[d]

9. But this may be done in these following cases:

(1.) When the superior hath manifestly erred in faith, that is, in an article of his creed, or a plain proposition of Scripture, or in an article established or declared by that authority which hath bound him and them equally, and in which they conceive no error. Thus the priests and people of Constantinople[e] withdrew themselves from the communion of Eunomius, because he erred in an article determined by the whole church, and established by the laws of emperors, and, as they believed, clearly declared in Scripture. But when Plato the monk withdrew himself from the communion of Tirasius the patriarch of Constantinople, because he refused to excommunicate the emperor, it was an insolence fit to be chastised by the rod of ecclesiastical discipline.[f]

10. (2.) Priests may withdraw themselves from the communion of their bishop, and people from the communion of their priests, in things declared by laws to be against the peace of God and the church, when the fact is evident and notorious. But this is not to be done by single persons, but by the whole community: and the reason is, because the fact is not evident, or not scandalous to that degree as to deserve this canonical punishment, unless the congregation be offended, or the congregation note it; for though the bishop be more public than any single person, yet he is not more public or of more concernment than all his diocess. These particulars, that is, this leave and this caution, I have from Origen,[g] explicating in what sense we are bound to cut off our right hand: "Ego qui videor tibi manus esse dextra, et presbyter nominor, et verbum Dei videor prædicare, si aliquid contra ecclesiasticam disciplinam et evangelii regulam gessero, ita ut scandalum tibi ecclesiæ faciam, in uno consensu ecclesia conspirans excidat me dextram suam, et projiciat à se;" "If I, that am the right hand, and preach the word of God, do any thing against the discipline of God's church, and the rule of the gospel, so that I give offence to the whole church, let the whole church, consenting together, cut me off and throw me away."

11. (3.) But all this is to be understood to be done by permission or authority of the prince, in case he shall interpose; because where public divisions and breach of peace are in agitation, the commonwealth is more concerned oftentimes than religion; and therefore where the laws of God do not intervene, the laws of the king must, or the whole separation is a sin. And therefore we find, that when Gregory I. bishop of Rome, had thus refused to communicate with John bishop of Constantinople, he was commanded by the emperor Mauritius to

[b] Contr. Epist. Parmen. lib. 3. cap. 2.
[c] S. Cyril. ep. 18. ad Cælestinum.
[d] Paulus Diacon. digest. Longob. lib. 3. cap. 12.
[e] Theodoret. lib. 4. cap. 14.
[f] Baron. A. D. 795.
[g] In Josu. hom. 7.

communicate with him. And it is very fit, that such heats and private judgments, and zealous, but unnecessary, proceedings, should be kept from inconveniences by such public persons, who are to take care of peace and of the public. For if such separations be not necessary, they are not lawful; and if they be not the only way to avoid a sin, they are a ready way to commit one. For because every man's cause is right in his own eyes, when such heats as these happen between confident persons, every man is judge in his own cause; and what is like to be the event of such things, all the world can easily imagine.

12. But now concerning those other two proper kinds of excommunication, the greater and the lesser, they have the same consideration, if we mean them according as the church now uses them; that is, if they be imposed upon men against their will. For as for the lesser excommunication, so as it was used in the primitive church, and so as the church of England wishes it were now restored, when penitents came and submitted themselves to the discipline of the church, and had exercises, stations, and penitential times, allotted to them, and were afterwards with joy and comfort, restored to the peace of the church, it is a ministry done by consent, and without any evil, and no man hath to do with it. But if the consent of the criminal be not in it, the bishop cannot compel him; but the bishop and the king can. And therefore we find, that the emperors made laws in this very particular; and Justinian[h] commanded, that no ecclesiastic person should excommunicate any one, unless the cause were first approved. Which law was commended by the council of Paris under Ludovicus; and by John VIII. who, upon the authority of that law, inhibited some bishops from excommunicating one Bichertinus.

13. By this I do not mean to say, that the ecclesiastical judge hath not power to deny a criminal the peace and communion of the church, by declaring him to be unworthy to communicate; but because as the laws and as the customs of the world are now, there is disgrace, and there is temporal evil consequent to such ecclesiastical separations, the bishop can be restrained in the actual exercise of his spiritual authority, if there be any thing in it of temporal concernment.

14. And therefore if the bishop did excommunicate any of the prince's servants, or any whom the prince had a mind to communicate and converse withal, the censure was to be reversed; "ut quod principalis pietas recipit, nec à sacerdotibus Dei alienum habeatur," as the fathers of the twelfth council of Toledo[i] did decree; that "what the piety of the princes does receive, the bishops may not reject." For to avoid the company of any person is an effect of excommunication indeed, but not inseparable: and because to converse with any of his subjects is a right of kings, that none of his bishops can divest him of, the bishop can excommunicate no man without the king's leave; that is, he cannot separate him from the society of the faithful. And therefore Ivo[k] bishop of Chartres justified himself upon this account for conversing with one Gervasius that was excommunicate: "Pro regiâ enim honorificentiâ hoc feci, fretus auctoritate legis, si quos culpatorum," &c. "I did it (saith he) relying upon the authority of the law, and for the honourable regard of the king."—And this he advises to others also, in his one hundred and seventy-first epistle; and St. Anselm, though he was extremely troubled with the pope's peevish injunctions against the king of England's right in the matter of investitures, yet in his epistle to Prior Ernulph he gives leave, that though he durst not, by reason of the pope's personal command to the contrary, yet they might communicate with those whom the pope had excommunicated for receiving investitures from the king. Now although this appendage of excommunication, that is, abstention from the civil society of the criminal, is wholly subject to the laws and power of princes; yet the spiritual part of the excommunication, that is, a separation from the communion by declaring such a person to be unworthy, and using to him the word of his proper ministry, is so wholly under the power of the ecclesiastic order, that when the king commands that the company of the excommunicate should not be avoided, yet the man is not absolved from his sentence in the court of conscience, but is bound to satisfy the church, if she have proceeded legally and canonically. The king can take off the temporal penalty, but not the spiritual obligation; that is, the man is not to demand the sacrament, till he be absolved. If the king commands it, the bishop must not deny his external ministry: but the man sins that demands it, because he communicates unworthily, that is, by a just power, but not by a just disposition. He must repent of his crime, before he can come innocently.

15. For it is to be observed, that, in this affair, one part concerns the criminal, and another concerns the people. The criminal is bound to abstain from the communion: that duty is incumbent upon him, because he is judged to be unworthy of it by that authority which he is bound to trust, in case there be no apparent error. But to be thrust from civil society is not directly any duty of his, but is incumbent on the people. Now though the bishop can, in some cases, advise this, yet in a christian commonwealth, he cannot, without leave, command it: and therefore the censure or judgment of the church is to have effort upon the conscience of the guilty, and this invades no man's right; it is for his good that is concerned, and is wholly a spiritual power, and intrenches not upon the civil right of any man, much less upon the public and supreme power. In the lesser excommunication, if the subjects be not voluntary, or be not subjected by him that hath the power over them, that is, the king, they cannot be compelled by the bishop to any external act or abstention. But if they do themselves submit, or are submitted by their supreme, they are bound not only to obey the censure of the church, but themselves to go away from company, that know not of this calamity: as I have[l] already instanced.

16. The sentence of the greater excommunication, though to be estimated in many particulars by the

[h] 123d Novel. [i] Cap. 3. [k] Epist. 62. [l] Chap. 2. rule 2. num. 15.

former measures, yet hath in it something of particular consideration. This is the great "anathema maranatha," the excision of a man from the body of the church: without which body, whosoever is in that manner justly separate, there is no salvation to him: and this the church called by the name of "anathema." Not that whenever the word "anathema" is used, the greater excommunication is signified; for it is very often used as an earnest expression of the dislike of a thing: so the clergy of Edessa, when they purged their bishop Ibas of the crimes objected to him in the council of Chalcedon,[m] they solemnly protested they knew no evil of him, "anathematizantes nosmetipsos, et terribili gehennæ nosmetipsos obnoxios facientes, si novimus;" "anathematizing themselves and exposing themselves to the guilt of eternal damnation, if they knew any such thing." Such anathemata are denounced against sacrilegious persons in the donatives made to the church; and thus divers councils do pronounce "anathema" to false propositions, and Justinian,[n] in the code, uses the same execration against certain heresies. Now to such an anathema as this all persons can be subject, kings and princes, bishops and priests, multitudes and single persons. There is nothing considerable in this, but that the cause be great and worthy: for whoever he be that works abomination, let him be who he will, yet he is "abominable;" and shall be separated from the communion of saints, in the day of the New Jerusalem.

17. But the inquiry that remains, is concerning the great anathema or excision of obstinate criminals from the body of the church, which is the only excommunication that Christ gave in commission and warranty. For so the fathers expound those words of Christ; "But if he will not hear the church, let him be unto thee as a heathen and a publican;"—that is, not to be esteemed for a brother or a christian, saith St. Gregory;[o]—"quia neque influxum habet à capite, neque participat de spiritu Christi," saith St. Austin;[p] "he neither hath any influence from the head, nor partakes of the spirit of Christ." This man the church does not pray for, does not pray with, does not communicate, does not hope well of; he receives no assistance and gifts of grace from the Holy Spirit of God: and St. Jude says, his works are "gone aforehand unto judgment."—"Videlicet peccator gravis et scandalosus, notorius, aut accusatus et convictus, 'He who is a grievous and a scandalous sinner, notorious or convict,' being reproved by the bishop in the public assemblies of the church,—if he will not be humbled, but remains incorrigible, and perseveres in his scandalous sins, 'tum anathemate feriendus est, et à corpore ecclesiæ separandus,' 'then he is to be smitten with the anathema, and to be separated from the body of the church:'" so St. Gregory.[q] To this there is nothing else consequent, but that the man, unless he timely and mightily repent, will be damned; and in the mean time that every man account him to be no brother, and have no intercourse with him, but as with a Turk or a Jew.

18. Now concerning this, he that is in ecclesiastical authority, and hath received the holy order, hath this power; and he that hath a charge can minister this power: and so long as nothing temporal and secular is mingled with it, the bishop can do it wholly by his spiritual authority; and in this he does nothing depend upon the supreme civil power, save that he be permitted to exercise his spiritual office. For though it be true that any bishop can, by the civil power, be hindered from ministering in public assemblies, for he may be banished or deposed, and another put in his chair, or all his offices may be suspended "quoad exercitium actus," as the schools speak, so that he may not exercise his power; yet a bishop that hath a flock, that is permitted actually to do what Christ hath empowered him to do, can, by his own sole authority, inflict this sentence upon scandalous and refractory, disobedient and impenitent, rebellious and persevering, sinners: and if the church could not do this, she had not power sufficient to the ends of her designation; she were no body politic, but without government and power; and all that discourse of our blessed Saviour in the eighteenth of St. Matthew,[r] and his commands of delating refractory criminals to the church, and the promise to "verify in heaven what they shall reject on earth," were words signifying nothing and of no effect. But because no wise man will imagine, that it must follow that the ecclesiastic state, they to whom Christ promised to give the keys of the kingdom of heaven, they who are stewards of the household and dispensers of the mysteries of the gospel,—have this power subjected in themselves independently from the civil power, as they have a power to baptize, and to consecrate, and to ordain ministers of religion; and they can no more be hindered from one than from the other; they may "de facto," and they may by a competent power: but if they be, it is persecution. That this bishop or that, that Cyprian or Sylvester, that Valerius or Austin, should be the man, is under the power of a civil magistrate; but the man that is permitted to use the powers Christ put into his hand, can, upon persons so disposed, pronounce God's anathema and the church's.

19. Now the reason of the difference, why the bishop cannot do this in the lesser excommunication, and yet can in the greater,—is this; because the greater is of Divine institution, and the other is of human, never used but by consent, or by superinduced civil authority, and therefore must still depend upon the causes of its being. Add to this, there is a precept annexed to this power; there is a double duty; the bishop is to separate the vile from the precious, the leprous from the sound, and the people are to take heed of such impure mixtures. But, in the lesser excommunications, there may possibly be something of prudence; yet as there is no proper authority in the ecclesiastical superior, but what is given him by consent, so there is no obligation or duty in the subjects: it is well when they submit to this discipline, and go to be cured by

[m] Act. 10. [n] Cod. de Summâ Trinit. lib. 7. [o] In Psal. v. Pœnit. Init. [p] Tract. 27. in Johan. [q] Ubi supra. [r] Matt. xviii. 16—18.

the public hands even for every malady; but they are not bound to this: but if they be delated or be notorious and great criminals, here the church is warranted by God to proceed to discipline, and to separation and excision of the refractory. This only hath effort upon the soul; but the lesser excommunication is a discipline of ecclesiastical institution; and so is that "denying of communion to equals or superiors," and so is "irregularity," and so is "refusing to mention a name in our collects and public or private prayers," and so is "suspension and interdict, degradation and deposition:" they are all of ecclesiastical positive constitution, no part of the power of the keys, nothing of Divine authority; but are introduced by the consent of churches, and verified by custom, consent, and the laws of princes, and so come accidentally to pass an obligation, but effect nothing directly upon the soul. That is a peculiarity of the greater excommunication; and that which stands next to it is the lesser excommunication; which although it be "humanum inventum," and of positive institution, yet because it is a part of the greater, and proceeds in the same way, upon lesser causes, but to designs of charity and edification, it is a use of the spiritual sword, it is the lancing of a sore, but not the cutting off a dead part: but it may be admitted to be a consequent of the power of binding or loosing, and so I have already called it.[s] For it is a part of that intermedial monition, which Christ hath, in general, commissionated his ministers and guides of the church to make. If an offender will not mend by private, and by a more public admonition, "tell it to the church;" then the church is to do something, when the stubborn criminal is delated to her. The church must try, if he will repent upon her monition: for then the ecclesiastical rulers are to exhort him unto repentance, to reprove, to correct, to do what spiritual fathers ought to do: the particulars of which, because they are not specified by our blessed Lord, they are left to the prudence of the ecclesiastical governors; so that the general discipline is warranted, but the particular is left to their choice, who, by the analogies of the consequent power of the keys, can proceed by lesser and an intermedial process. But the power of the keys is given in order to something that is to be done afterwards. For that is only the warranted and express authority, and that which imitates coercitive jurisdiction the nearest, that those be cut off from the church, who, by their voluntary submission, will not amend, and submit to the paternal rod and gentle correption.

RULE IX.

Excommunication, inflicted upon a light Cause, binds externally but not internally; but, if it be inflicted upon an unjust Cause, it binds not at all.

1. This latter part of the rule is evident and consented to by all. For in this the civil and ecclesiastical power differ. The civil power, if it condemns the innocent, hath effect upon him, and does afflict or put him to death: but the ecclesiastical power does nothing, unless the man hath done the mischief to himself. For God having undertaken to verify what the church does, it must be supposed that the church must do right, else God will not verify it; and then it signifies nothing, but that the governors ecclesiastical have sinned. "Ejiciunt oves qui contra justitiam de ecclesiâ separant," saith St. Jerome;[t] "They that against right cast a man from the church," they are ill shepherds, "and drive the sheep," from their folds where Christ loves to see them; and therefore Alexander II.[u] says, that "unjust excommunications are not to be slighted and neglected;" and Gerson[x] says, "it is honourable to the church, that such a prelate should be resisted to his face." But this in case of injustice and manifest abuse: such are those excommunications in the "Bulla cœnæ Domini," in which those persons who do their duty, who do not consent to the errors and abuses of the church of Rome, who read good books that discover their horrible impieties, are excommunicated: it is "brutum fulmen;" it is harsh as the noise of peacocks, but does no harm to them that are intended.

2. But now, in the other part of the rule, there is difficulty, and it is occasioned by a discourse of St. Leo;[y] "Let not the communion be, easily or lightly, denied to any christian, nor at the pleasure of every angry priest; because the mind of the avenger ought, unwillingly and with a kind of grief, to proceed to the infliction of vengeance, even upon a great guilt. For we have known some, for slight actions and words, excluded from the grace of the communion,—and a soul for which the blood of Christ was shed, by the infliction of this so severe a punishment, wounded, and, as it were, disarmed and spoiled of all defence, exposed to the assaults of the devil, that it might be easily taken." By which words St. Leo seems to say, that he, who for a trifling cause is excommunicate, does nevertheless feel all the evils of that greatest censure. He says well and true: but he does not say, that he is separate from God,—that he shall perish everlastingly,—that God will in heaven verify what is done upon earth; but he, reproving this impiety, that the greater excommunication should be inflicted for trifles, tells the real evils which do follow: for the excommunicate being separate from the communion, denied the prayers of the church, banished from the communion of saints, is divested of all these excellent helps and spiritual defensatives against the power of the devil. Now this is very true, though the cause were wholly unjust; and much more, if the cause be something, though not sufficient. "De facto" the man is deprived of the helps of the church, and the advantages of holy ordinances: and though God will, if the man be a good man and devout, hear his private prayers, and supply him with secret strengths, and in his behalf rebuke the devil; yet it was a worthy cause of complaint in St. Leo, to consider that this

[s] Numb. 1. of this rule.
[t] In Jerem. cap. xxiii.
[u] 24. q. 1. c. Audivimus.
[x] De vitâ Spirit. an. Lect. 2. ad em.
[y] In his 93d epistle.

evil was done for little things, and that, for so small occasions, God should be put to his extraordinary way, and the man be deprived of the blessings of the ordinary.

3. But whether this sentence, so slightly inflicted, do really bind the soul before God, is a question which Origen[z] inquired into, but durst not affirm it; but concludes that it obliges in the church and before men: for whether it obliges before God or no, "Deus scit; nos autem pronunciare non possumus, secundum quod scriptum est, 'Nolite judicare,'" "God only knows, but we must not judge." But yet if it be his unhappy lot to fall into such a calamity, "factum valet, fieri non debuit;" the ecclesiastical ruler did very ill in it, yet the man is bound to the church. "Qui ergo in peccato levi correptus —non se emendat, nos quidem sic eum debemus habere, quasi publicanum, et ethnicum, abstinentes ab eo, ut confundatur;" "He therefore that is taken and excommunicate for a small fault, and will not amend, we must esteem him as a heathen and a publican, that he may be ashamed." Indeed the church hath put a heavy and an unequal load upon such a person, and hath erred greatly; for no man is to be separate from the church of God, but he that separated himself from God, and hath left his duty; but therefore if the church do excommunicate him, whose action or words though it be faulty, yet it can consist with the state of a good man, and does not destroy the love of God,—the censure was too heavy as to the external, and false as to the internal; for the man is not fallen from God, but does communicate with the head, and continues to receive of the spirit of Christ.

4. But yet even such a man is bound externally; for this is the meaning of that famous saying of St. Gregory;[a] "Pastoris sententia etiam injusta timenda est;" "The sentence of a bishop, though it be unjust, is to be feared;" that is, though it be in a cause that is not great and competent enough, but if it be in a light matter, yet it is to be feared; not only because the man is deprived of the prayers and communions of the church, (which, though it happen to an innocent person, is a great evil, and therefore is to be feared, though it be in all senses unjust,) but also, because it binds the man that is deprehended even in a light fault, to submit to the judgment and satisfactions of the church. The burden is very great, and ought not to have been imposed; but when it is, it must be suffered, because no repentance can be too great for any sin: and although the bishop made a false judgment concerning the man, and he does not stand so before God as before the church, that is, for his first little offence; yet being censured and unfortunate, if he refuses to obey that, which is indeed too much to be imposed, but will do him no hurt, it is not his first little sin, but his great contempt, that is to be accounted for before God with the greatest severity.

5. But then if it be inquired, in what cases only excommunication may be lawfully inflicted; the answer is easy: but I choose to give it in the words of the fathers, because there is in this case reason and authority too. "Ubi peccatum non est evidens, ejicere de ecclesiâ neminem possumus, ne forte eradicantes zizania, eradicemus simul cum ipsis etiam triticum:" so Origen:[b] "Unless the fact be evident, no man must be excommunicate, for else we may peradventure root up the wheat with the tares." —But that is not enough.

6. (2.) No man must be excommunicate but he that is "peccator gravis et scandalosus," "a grievous and a scandalous sinner;" so St. Gregory:[c] and like to this is that of Aristotle; Διαλυτέον οὐ πᾶσιν, ἀλλὰ τοῖς ἀνιάτοις διὰ τὴν μοχθηρίαν, "We must not separate from every sinner; but from the intolerable and malicious."—For what should a man proceed to violent remedies, when a gentle application will make the cure? and for a trifling cause, to cut a man off from the communion of the church, is to do as the man in the fable, that, espying a fly upon his neighbour's forehead, went to put it off with a hatchet and struck out his brains. And therefore the fathers in the council of Worms[d] decreed, "Ut nullus sacerdotum quenquam rectæ fidei hominem pro parvis et levibus causis à communione suspendat: præter eas culpas pro quibus antiqui patres arceri jusserunt aliquid committentes:" "In the infliction of censures the church should follow the practice of the primitive fathers, excommunicating no true believer but for some very grievous fault."

7. (3.) Neither is this sufficient of itself: a scandalous sin alone is not enough; for excommunication is the last remedy. Omnia prius tentanda quam bello experiendum; "When nothing else will do it, then this is to be used: for if the man will be amended by private correction, or by public admonition, if he be ready to hear his brother, or to obey the church,—why should he be esteemed as a heathen man and a publican? "Si non audierit ecclesiam," is the condition of using the keys; "If he will not hear the church:"—so it is in the charter; if, being publicly convicted and reproved by the bishop, he will not be humbled, but remains incorrigible and perseveres in his sin, then he is to be excommunicated and smitten with the anathema. Like to this is that of Chrysippus: Προσήκει τὰ μὲν ὅλως παραπέμπεσθαι, τὰ δὲ μικρᾶς ἐπιστροφῆς τυγχάνειν· τὰ δὲ ἐπὶ μεῖζον, τὰ δὲ ὅλως διαλύσεως ἀξιοῦσθαι. "Some things are to be turned from, with our head a little aside; and from some things we must run away: some things are more earnestly to be avoided; and from others we must be parted for ever." So St. Gregory in the place above cited. "Spirituali gladio superbi et contumaces necantur, dum de ecclesiâ ejiciuntur;" so St. Cyprian:[e] "The proud and the contumacious are slain by the spiritual sword, when they are thrown out of the church."—"Inobediens truncatur," is St. Jerome's[f] expression; "He that is rebellious or disobedient to the discipline and correction of the church, is to be cut off."

8. Now all these must be joined together. If the fact be not notorious or proved, a man must not

[z] Tract. 6. in Matt.
[a] In Evangel. homil. 26.
[b] In Josue. homil. 21.
[c] In 5. Penit. Psal.
[d] Can. 2.
[e] Lib. 1. ep. 11.
[f] Epist. 1.

be so severely smitten we know not why. And if the fact be evident, yet, unless it be great, it deserves not the biggest punishment. For the judge is cruel, and not just, that puts a man to death with torments, for spitting in his parlour: and the judgment of the church being nothing else but an effective and terrible declaration of the judgment of God, must not be exterminating and final, for things of little concernment,—but according to the wisdom which we see, and the mercy which we hope for. And after all, if it be evident and great, yet the last remedy must not be used at first: and a man will not have his arm cut off for a felon upon his finger, or the gout in his wrist, or an ulcer that can, by any other means, be cured. But when in a great pestilence and danger of infection, there is no other remedy; when the fire rages desperately, and can by no other means be stopped; then pull the house down, and separate the infected from the city; he is fit for nothing but charnel-houses, and the society of the dead.

9. (4.) This caution Gerson[g] instances in pecuniary matters. For, saith he, not every contumacy, against the orders of courts ecclesiastical is to be punished with this death. If it be in matters of faith or manners, then the case is competent; but when it is a question of money and fees, besides that the case is full of envy and reproach, apt for scandal and to bring contempt upon the church, the church hath no direct power in it; and if it have by the aid of the civil power, then for that a civil coercion must be used. It is certainly unlawful to excommunicate any man for not paying the fees of courts; for a contumacy there is an offence against the civil power, and he hath a sword of his own to avenge that. But excommunication is a sword to avenge the contumacy of them, who stubbornly offend against the discipline of the church, in that wherein Christ hath given her authority,—and that is, in the matters of salvation and damnation immediate, in such things where there is no secular interest, where there can be no dispute, where the offender does not sin by consequence and interpretation, but directly and without excuse. But let it be considered, how great a reproach it is to ecclesiastical discipline, if it be made to minister to the covetousness or to the needs of proctors and advocates; and if the church shall punish more cruelly than civil courts for equal offences: and because she hath but one thing to strike withal, if she upon all occasions smites with her sword, it will either kill too many, or hurt and affright none at all.

10. (5.) Spiritual censures must not be inflicted for temporal causes, in questions of right and secular concernment, for which the civil sword is sharp enough and proper. In the church of Rome, it hath been very usual to use excommunications for the discovery of thefts, or the manifestation of secret actions. Divers examples of which are in the decretals and later canons of the church; but not till the church had been extremely corrupted both in doctrine and manners. But this advice is the same almost with the former, and relies upon the same reason. But who please to see more of it, may see it in Gerson.[h]

11. As a corollary to these advices, I am to add one thing, that is of great use and consideration, and that is,—That when a law is made, that whoever shall commit such a fact, shall be "ipso facto" excommunicate,—it must never be understood of the greater and proper excommunication; for if it be, it is unlawful and it is ridiculous. For the abscission from the church is not to be used but after all other remedies: when the crime is delated or notorious, and the person called, when he hath been admonished and reproved, and called to repentance,—if after all he refuses and rebels, then he is to be cut off, else not: and therefore no man is "ipso facto" cut off. The offence alone deserves it just as it deserves damnation: but because God is pleased graciously to call a sinner to repentance, and cuts him not off till he hath refused this gentleness and forbearance, the church must do so too, following the economy of God; for if the church kills on earth, and God saves in heaven, it is clear she hath not rightly used her power, and therefore must not kill at the first dash.

12. If therefore it be inquired, "whether all such sentences in law, which declare a man to be, in certain cases, 'ipso facto' excommunicate, be unlawful," the archbishop of Spalato, who is fierce against them, answers[i] affirmatively and confidently, and disputes well against them: but his reasons are overvalued by him, and are not demonstrative; for they all rely upon this proposition,—That no man can be tied to be executioner of any sentence against himself; which I have proved to be false.[k] What then do such sentences effect more than others which are comminatory, and threaten the sentence only to be inflicted by the judge, if the crime be delated and proved? Gerson, saith he, learned thus to answer from his master,—"That the judge in such cases, when the fact is proved or confessed, may pass to sentence without any further judicial process; which in other cases he cannot do."—But Gerson and his master would fain have been at a new thing, but they could not hit it right. For whether any such thing was effected or no, or whether any more was intended, is not a matter of conscience; for this whole proceeding is not the ministry of the keys, but wholly a human invention, done with great reason, and is of prudent conduct, and warranted by precedents in scripture: and since in those places, where many such laws are made and used, it is certain that the lawgivers intend more, and more is practised, it is not true that Gerson's master told him,—that these laws produced nothing but a power to the judge to proceed summarily. And therefore, he neither answered right in the point of law, nor in the case of conscience; and yet he said well, that such sentences of excommunication do not oblige others to abstain from the society of the excommu-

[g] De Vitâ Spirit. Anim. sect. 4. corol. 7.
[h] Ibid. et serm. in concil. Rhemens. partit. 2. consid. provis. 2.
[i] Lib. 5. de Rep. Eccles. cap. 9. n. 23, 24.
[k] Chap 2. rule 2.

nicate. It is true, but not for his, or for the reasons of the learned archbishop of Spalato; but for this reason,—because these sentences do not intend to involve the offender in the greater excommunication, which is not to be inflicted but upon him that hath sinned grievously, and, after admonition, refuses to amend. For if the greater excommunication were intended, the laws were unlawful, and the sentence unjust. For a crime in manners is like an error in faith: this, without pertinacy, is not heresy,—and that, without contumacy, does not deserve excommunication. But what then?

13. Therefore all those laws, which inflict the sentence of excommunication "ipso facto," are to be understood of the lesser excommunication, and they mean thus much only,—That the church declares, that all such criminals are obliged to confess their sin, to abstain from the communion till they have truly repented, to submit themselves to the judgment of their spiritual guide, to receive discipline at his hand, and manners of emendation; and in this sense the laws are pious and reasonable, useful and of great effect: but how much the conscience of the criminal is by them obliged, is a secret of which we know nothing; but this we know, that where such laws are used and understood, without such submission and amends, a man that desires to be good, can have no peace of conscience.

14. The like is to be said of those ancient canons of councils, which, for light causes, impose and decree the sentence of excommunication. Thus the fourth council of Carthage[l] decrees him to be excommunicate, "qui, sacerdote verbum faciente in ecclesiâ, egressus de auditorio fuerit," "who shall go out of the church before the sermon be ended." —Very many of the same nature might be produced, but they all mean the same thing: that he that is delinquent in the instance, when he is delated and convict, shall be separate awhile from the communion, (for that was the discipline of those times,) and thrust into the place of public penitents.

RULE X.

It is not lawful to communicate with those whom the Church hath, by a just Sentence, excommunicated.

1. THAT is, all prohibited communion is unlawful: as if they be driven only from holy offices, then we must not admit such persons to our assemblies; if a civil intercourse be prohibited, that the criminal by shame might be brought to repentance, then that also must be denied him: for if he be bound by the censure of the church, then we also, who are the relatives of that coercion, are tied to do our duty to the church.

2. To which purpose there is an excellent discourse in St. Cyprian:[m] "Wherefore (saith he) although there be some of our colleagues that think it fit to neglect the Divine discipline, and do rashly communicate with Basilides and Martialis, this thing ought not to disturb our faith; since the Holy Ghost in the Psalms threatens such persons, saying, "Thou hast hated discipline and cast my words behind thee: if thou sawest a thief, thou didst go with him, and wert partaker with the adulterers." He shows that they were consorts and partakers of other men's sins, who were joined with the delinquents. But this thing also the apostle Paul[n] writes, saying, "They are whisperers, backbiters, haters of God, who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them. For (saith he) they that do such things, are worthy of death." He manifests and proves that they are worthy of death and shall come to punishment, not only that do evil, but they who consent to them that do evil; who whilst by an unlawful communication they are mingled with evil sinners, and that will not repent, are polluted with the contract of the guilty, and because they are joined in crimes, they are not separated in punishment."

3. The church having so good warrant from Scripture, proceeded to add ecclesiastical penalties to those that would not verify her sentences of just excommunications. For when some had got a trick to meet in houses and pray in conventicles, because they were forbidden, or did voluntarily refuse, to enter into churches,—the council of Antioch[o] took notice of it, and forbade all such communions and assemblies and intercourses under the pain of excommunication. But this was decreed by the canons[p] commonly called apostolical, "Si quis cum excommunicato saltem in domo simul oraverit, iste communione privetur," "He that prays with an excommunicate person, so much as privately in a house, let him be deprived of the communion."— The same we find often in the ancient epistles of the popes; in the second[q] and in the fourth[r] council of Carthage, in the first council of Toledo,[s] and in the synod at Auxerre[t] in France, in the first council of Bracara,[u] in the council of Touraine,[x] and the council of Vernet.[y]

4. But this is to be understood with one caution, and to be reduced to practice by another. (1.) Although the church excommunicates them that communicate with excommunicates, yet it is always to be understood, that the partners are only smitten with a lesser excommunication, and obliged only externally, not internally. For there may be many cases very favourable, in which an innocent person may innocently communicate with a heathen and a publican: and therefore, in such cases, in which a man does not take part against, or, directly or by intention, despise the church, or give countenance, strength, or increment to the sin of the excommunicate, but with simplicity pursues other lawful purposes, and designs nothing of these, he is only tied to give satisfaction to the church; but is not guilty before God. For the places of Scripture, quoted by St. Cyprian above mentioned, are only spoken of such persons, who, by their society ap-

[l] Cap. 24. [m] Lib. 1. ep. 4. [n] Rom. i. 29—31.
[o] Cap. 2. [p] Can. 10. aut 11. [q] Cap. 7.
[r] Cap. 73. [s] Cap. 15. [t] Cap. 39.
[u] Cap. 33. [x] Cap. 8. ep. 21. [y] Cap. 9.

prove, and in their hearts do consent to, such crimes. But every man that goes along with them in their journey, or in their merchandise, does not go along with them in their crime; and yet if they be forbidden to go along the road with them, and yet will do it, they may justly be presumed to go along in their consent and approbation; and therefore the church does well to forbid such to come to her communions, till she be satisfied,—that is, till the contrary does appear, or amends be made. But because in many cases the contrary can be made to appear, and in more cases the contrary is true, whether it can be made to appear or no,—therefore, in such cases, it must be understood, that the companion of the excommunicate is only bound in the face of the church by such censures, and not in the court of heaven. And to this accords that of St. Leo;[z] "Certainly when any such cause does happen, that, for the heinousness of some crime committed, any one is justly deprived of the communion, he alone ought to be punished, who is involved in the guilt: 'nec particeps debet esse supplicii, qui consors non docetur fuisse commissi,' 'neither is he to partake of the punishment, that was not a consort of the fact.'"

5. (2.) This rule is to be reduced to practice, with this caution,—that the church intends not to forbid any such intercourse or communion, to which we stand pre-obliged by the law of nature, or any law of God, or of the civil supreme power, from which the church cannot absolve us. The sentence of excommunication does not enjoin a son not to help his aged father, nor the physician to give him physic in his sickness, nor the tenants to pay their rent, and talk with their landlord about his and their necessities, nor the feudatory to pay homage to his lord: to prohibit natural or civil duties, the ecclesiastical power hath nothing to do. If the civil power hath forbidden a civil duty, he may, and then the subject is civilly bound in all things but where God hath commanded a duty. For even the king cannot command a wife not to pay her duty to her husband, nor a child to his mother. To these they are bound by God, though they die for it; and if the prince be angry, yet God is well pleased.

6. For although the supreme power can forbid even an action, that is of itself good and pious, and we are in the proper circumstances bound to obey him, and in this case also obedience is better than sacrifice; yet when the piety is necessary, and not under choice and counsel, but under a commandment, the king and the bishop singly or conjunctly have no power to forbid it.

Οὐ γὰρ τι νῦν τε καἰχθὲς, ἀλλ' ἀεί ποτε
Ζῇ ταῦτα, κοὐδεὶς οἶδεν ἐξ ὅτου φάνη.

"For these are things that are not of to-day or yesterday, but of an eternal rectitude, and no man knows when they did begin." For upon this account Antigona in Sophocles defends the fact of burying her dead brother against the king's commandment. Even the gods themselves, that is, the great rulers of the world, are subject to these laws. So Euripides:[a]

'Αλλ' οἱ θεοὶ σθένουσι, χ' ὧ κείνων κρατῶν
Νόμος· νόμῳ γὰρ τοὺς θεοὺς ἡγούμεθα,
Καὶ ζῶμεν ἄδικα καὶ δίκαι' ὡρισμένοι.

This law rules them that rule the world: and therefore the Greek tragedy does rarely well call these laws ὑψίποδας, because all men and all things are under their feet. It is, as Pindar calls it, ὁ νόμος βασιλεὺς θνατῶν τε καὶ ἀθανάτων, "a law that is the king of all things, mortal and immortal." And therefore excommunication, though verified by the secular power, cannot forbid the necessary and dutiful intercourses of relations, or the issue of any duty commanded by a former obligation in the law of God.

7. But if the church will take her measures from the words of her commission,—which as they are her only warrant, so they are the best rule,—the external effect of excommunication is this only, that we esteem him, that refuses to hear the church, as a heathen and a publican. If we account and use him so, it is bad enough; but then we have no warrant to use him worse. And then as we eat and drink, and talk, and buy and sell, with heathens, without sin,—why also not with excommunicates, this precept notwithstanding? I say, "this precept notwithstanding," for it is more than an indulgence or a leave to use them so; it is a commandment: the rulers and stewards of God's household are tied to separate refractory criminals from the sound part; and the people are bound to be separate, for they also have a share in this binding and loosing by way of consent and compliance, and verification, according to that of St. Austin,[b] "Si fratrem habes pro ethnico et publicano, ligâsti illum in terris; si correxeris fratrem, solvisti illum in terris." The people are to bind and loose, that is, to esteem him that is bound, as a heathen and a publican,—and to assist in the correcting of him, by bringing him to repentance by the instrument of shame. But this being matter of office, and not merely of benefit, it is evident that it is a precept, and not a leave only, a commandment, and not an indulgence.

8. But then if we inquire to how much and to what manner of usages it does oblige us, we shall be able to understand our duty best, by considering, that it is a proverbial expression, or a form of execration, to signify impious and profane persons, of the vilest reproach. Just as in the Old Testament[c] of what nation soever he was, yet a stranger from the covenant of God, was called an "Aramite" or a "Syrian;" and when St. Paul said that St. Timothy's father was a "Greek," the Syriac interpreter calls him an "Aramite:" so here a heathen and a publican signifies a wicked and a reprobate person: as we call cruel people "Turks:" and, in the time of the holy war, all very vile and intolerably vicious or hated persons were called "Saracens."—"Harlots and publicans" Christ joins together; so "publicans and sinners,"[d] the same with "heathens and publicans." Meaning, that all contumacious sinners, who, upon admonition and ecclesiastical correption, refuse to repent, are to be accounted enemies

[z] Epist. 93.
[a] In Hecuba.
[b] De Verbo Domini, homil. 15.
[c] Levit. xxv. 47.
[d] Matt. xxi.

and strangers to the rights and promises of the gospel, enemies to the religion, and separate from God, and given over to a reprobate sense.

9. But it cannot be inferred from hence, that the same usage, which the Jews gave to heathens and publicans, we are tied to have towards excommunicates. That we must have no worse is certain, but not such, not so bad, is also very true; because our blessed Saviour did not even amongst them approve of those harsh and contemptuous usages; *μὴ συγχρῆσθαι, κολλᾶσθαι, συνεσθίειν, προσέρχεσθαι*, they would not eat, nor drink, nor trade, nor come to them.

> Non monstrare vias, eadem nisi sacra colenti;
> Quæsitum ad fontem solos deducere verpos. JUVEN.

They would not do common civilities or charities to an uncircumcised man, to a heathen. But when our blessed Saviour had used them better, and so taught others to converse with them, to do them good and to save their souls, it will be very reasonable to collect from hence, that Christ did not intend by this to enjoin us to such treatments of the excommunicates as the proud Pharisees gave to publicans and heathens: but the manner of speech was in use among the Jews to signify impious persons and great sinners, and so excommunicates are to be accounted.

10. That therefore which remains is, that the usage here intended is, that they should be separate from the communion of holy offices, from partaking in the mysteries of religion; for that was the known use of the words of "binding" and "loosing" among the Jews, which Christ used in giving the church a power of excommunication. "To bind" signifies to forbid, and "to loose" signifies to give admission and leave, according to that usual saying of the Jews, "there was nothing bound by Ezekiel or by David but what was bound in the law,"—that is, they forbade nothing else. So that the accounting these persons separate from God, and forbidding them to enter into the communions of the sons of God in the mysteries of their religion, is all that can, by any probability, be inferred from hence, excepting what is superadded from common reason and the laws of nature; that if beyond this there be danger of receiving hurt, the separation go further: and therefore the apostles gave caution to their converts, that they should not salute or admit into their houses false apostles, because of the imminent danger; but, beyond this, I find no Divine commandment.

11. Whatsoever therefore, besides these things, is superadded by the laws of the king or the canons of the church, is to be obeyed upon those accounts, where no other duty is prejudiced; and therefore in this there is no other rule of conscience, but that we first attend to the laws of God concerning our other duties, and then to the laws of the king in this. But in the thing itself, excommunication cuts the refractory sinner from the communion or religious intercourse of the church; he is not to be reckoned as a brother, or a relative in our religious friendship and union. The offices of humanity and civility are not to be denied to him; but there ought to be no dearness and proximity of friendship: we are not to take much care of reproving him; his ears are shut to truth, and he cannot hear good counsel; "hujus ergo desperanda salus," as Cicero said of the like persons; unless a new hope arise, "we may despair of his salvation."

12. One thing more I add, that when the church inflicts censures upon those who communicate with the excommunicates, it is not upon a real belief that all such persons are guilty of the same crimes by secret approbation or consent, but because she cannot tell whether they be or no; for it is a just legal presumption, and hath some natural probability that it is so: and the church is but too justly offended and scandalized at such communications and intercourse. But then, on all sides, there is a difference to be made; and the church must not be so offended, when he that communicates with the excommunicate, apparently does not, or by that communion cannot be presumed to, partake of the principal sin: and therefore, besides the tyranny and usurpation and illegal proceedings of Hildebrand against the emperor Henry, excommunicating him upon pretence of simony in the matter of investitures, he did foolishly and unreasonably excommunicate all them that did partake or converse with him. For first, the church hath no power directly to make laws in the matter of secular conversation: and if it be said, "By consequence and legal presumption the church concludes such persons, that communicate with the excommunicates, to consent or partake of the crime;" that is according as the matter is, and in this case is extremely unreasonable and foolish: for it cannot be imagined, that all the subjects of the emperor should be partners of the bargains, or should know of them, or believe any such thing, or approve it, if they did know or believe it; and the communicating with their prince as subjects could not infer it, with any seeming probability, that they were all simoniacs.

13. But then, on the other side, the sons of the church must be, with curiosity, restrained in their communions with such excommunicates, whose conversation does, with probability, involve us in the guilt and participation of the principal crime: and this is especially to be observed in sins about government, and in matters of persuasion, that is, in matters of heresy and schism; for "their word eateth like a canker," that is, these crimes are infectious, and scatter themselves into all that converse with them, or is very likely so to do; and therefore in these cases, the subjects may be more restrained from intercourse with excommunicates; and it must be a greater necessity that must warrant it, than may pass and be allowed in other cases.

14. This is all I find necessary to be considered in the matter of ecclesiastical censures, in order to the regulating of conscience: which the casuists in the Roman church have handled in great volumes, and make it commonly the one half of all their inquiries and ministries of conscience. For all the questions and considerations concerning "suspensions; irregularities; interdicts; depositions and degradations; absolutions of the dead and of the absent; the forms of absolution; reservation of cases; delegations and

licenses; absolutions against our wills, and by others who bound us not, and upon false suggestions; absolutions upon condition and reincidences; sentences uncertain and unknown; excommunications comminatory and 'ipso facto,' papal and episcopal, common and special, principal and delegate; by regulars and seculars; the excommunication of angels and devils; of fowls and beasts; pagans and Jews;" and thousands of questions, cases, accidents, incidents, limitations of times appendant to all these, which make the peace of conscience to be as impossible as the conduct of it, all these are cut off by the simplicity of truth, and the plainness of Divine institutions, which are few, and easy, and useful, and reasonable; wise, but not perplexed; severe, but not ensnaring. But those things, which are introduced by human authority and rely upon secular interests, the artifices of covetous or ambitious men, and are maintained by force, and false or uncertain principles, they are fit for the "forum contentiosum," for "courts of strife," but not for the court of conscience, which is troubled by any thing that destroys peace, as certainly as by that which destroys innocence.

Sect. 3. *Of Canons ecclesiastical.*

That which I am next to inquire of, is concerning the more particular persons or communities of men, in whom the ecclesiastical power is subjected, and where we are to find the records of ecclesiastical laws, and from whom the obligations of conscience do proceed, and in what matters their authority is competent, and their canons obligatory: that is, to what and whose ecclesiastical canons the conscience is, and how far it is, bound.

RULE XI.

The Canons of the Apostles, which are of Order and external Government, do oblige the Conscience by being accepted in several Churches, not by their first Establishment.

1. That the canons which the apostles made, did oblige the churches, to whom they were fitted and directed, is without all question, according to that of the apostle,[e] "To this end also did I write, that I might know the proof of you, whether ye be obedient in all things." For whatsoever was their ordinary power, yet they had so much of extraordinary, had such special commissions and warranties from Christ, had such gifts and miracles of power, so much wisdom, so much charity, and so entire a government, and were the only fountains from whence the rules of the church were to be derived, that their word ought to be a law to whom it was sent, and a precedent to them that should hear of it: it was like the pattern on the mount, to which all churches, in equal circumstances, and the same conjunction of affairs, might conform their practices.

2. Thus we find that the apostolical decree of abstaining from blood was observed by more churches than those of Syria and Cilicia, to which the canon was directed; and the college of widows or deaconesses, though provided for the first ministry of the churches and relief of ancient widows, derived itself into the manners of the western churches, and lasted longer than there was need. There was no hurt in it; the reverence to the persons and dignity apostolical was foundation enough to bear a greater burden: but the retention of such canons and orders was just like the retention of the judicial laws in some commonwealths, which they did in regard to the Divine wisdom; though they in so doing did piously indeed, but yet did not imitate that wisdom, by which those laws were made.

3. But because it is evident, that the laws of order and government were fitted to times and places and present necessities, the same wisdom that so fitted the laws and things together, did also know, that those rules were not good, when the things were changed and grew unfit for that measure. The apostles, in their first preachings and conversation in Jerusalem, instituted a cœnobitic life, and had all things in common with the believers; indeed no man was tied to it: and of the same nature were their canons, counsels, and advices, and propositions of what was best. But that advice related to the present necessities of believers: they were likely to suffer persecution, and the nation was in a little time to be destroyed,—and therefore it was prudence to sell their lands, and charity to divide the use of it. But if any man shall say, that this obliges all christians, he is unreasonable; but if they do not, then it is certain, that their laws oblige according to the subject-matter and the changing reasons of things; and therefore, not by their authority alone, but by their authority also who are judges of the reason of things, and can declare with obligation.

4. But yet further; the orders which the apostles gave to their churches, though they be as good now as they were then, and have equal circumstances, yet unless it can appear, that they by them intended to oblige all ages of the church, although they were not free men, yet they are free now. Now this is certain, that they gave no such laws, but what they received in commandment from Christ; and whenever they said of any particular, "This say I, not the Lord," they gave but an advice, or made a temporary order; but when they said, "This we have received from the Lord," it is always a doctrine of faith, or a moral commandment. So that the rules of order, being neither of these, are but topical and limited, and transient: such which when they are chosen by the rulers of churches, they become canons and measures of practice, but else not. The apostle made an order in the Corinthian church, that men should not pray or prophesy having their heads covered; but yet in France the preachers are covered, and do not think they prevaricate an apostolical canon; because they supposed it reached no further but to that church, or at least was agreeable to the manners and customs of those places. St. Paul appointed, that they should lay aside, every first day of the week, something for the poor; but he that shall choose to do this upon his weekly fast-

[e] 2 Cor. ii. 9.

ing-day, does as well; he does the same thing in another circumstance. St. Paul gave in order to Timothy, that a bishop should not be a novice; meaning in age, or in christianity, or both; and yet St. Timothy himself was but a novice, being chosen bishop at the age of twenty-five years, as the ecclesiastical histories report; and Theodosius chose Nectarius, being but newly converted; and the people chose St. Ambrose to be bishop before he was baptized, and the election was confirmed by Valentinian. Fabianus, Cyprian, Nicolaus Severus, Tarasius, were all novices or new christians, when they were chosen bishops: and yet the church made no scruple of that canon of the apostles, because to break it was more for the edification of the church. And I remember that Cassander,[f] speaking of the intolerable evils that fell upon the church by the injunction of single life to priests and bishops, says, "This law ought to have been relaxed, although it had been an apostolical canon." Thus also it happened in the canon concerning the college of widows; "Let not a widow be chosen, under threescore years;" and yet Justinian[g] suffered one of forty years old to be chosen, and had no scruple, and he had no reproof: but that was no great matter; for the whole institution itself is now laid aside, and other appointments are established. And, which is most of all, that decretal of the apostles which was made in full council, the most œcumenical council that ever was in christendom, made at the request of the churches of the gentiles, and the inquiry of the Jews, forbidding "to eat things strangled," is no where observed in the western churches of christendom; and St. Austin[h] affirmed, that if any man in his time made a scruple of eating strangled birds, every man did laugh at him. But of this I have given a full account.[i]

5. Now if those canons apostolical, which are recorded in Scripture, and concerning which we are sure that they had apostolical authority, be, without scruple, laid aside in all christendom, some every where, some in some places,—it is evident that it is the sense of the whole catholic church, that the canons of the apostles, for order and external measures of government, had a limited sphere of activity, and bind not beyond their reason and convenience,—that is, as every church shall find them fitted to its own measures; and therefore this is much more true in such things, which are but pretendedly apostolical, whose name is borrowed, whose story is uncertain, whose matter is dubious, whose records are not authentic: and therefore whatever else can be pretended to be apostolical, and is of this contingent nature and variable matter, is evidently subject to the present authority of every church or christian kingdom which is supreme in its own dominion.

6. But besides the reasonableness of the thing, we see it practised in all places without dispute or question; that those things which are called canons apostolical, and either were not so, or not certainly so, are yet laid aside by those churches who pretend to believe them to be so. The fifth canon of the apostles, in that collection which is called apostolical, appoints, that "the first-fruits shall be sent home to the houses of bishops and priests," and makes no question, but they divide them amongst the deacons and clerks; but I think, in the church of Rome, they pay no first-fruits; and what they do pay, the bishops and priests keep unto themselves. But this is nothing. The sixth canon commands, that "a priest or a deacon should not, under pretence of religion, put away his wife:" now this is so far from being received in the church of Rome, that, for this very canon's sake, Baronius calls the collection apocryphal, and rejects them from being apostolical. The seventh canon forbids "a bishop or presbyter to have any thing to do in secular affairs, under pain of deposition." This would destroy much of the grandeur of the church of Rome, if it were received. And the tenth destroys one of their great corruptions in discipline and doctrine, for it is a perfect deletery of their private mass; it excommunicates those of the people, who come to churches and go away before they have received the communion, calling them disturbers of the church; now this at Rome would seem a strange thing. And yet all these are within the number of fifty, which, Baronius says, were known to antiquity. But he that desires more instances in this affair, may consult the canons themselves, amongst which he will find very few observed at this day by any church in christendom. The church of Rome[k] pretends to believe that the Wednesday and Friday fasts were ordained by the apostles; and yet the Wednesday fast is not observed, except by particular order and custom, but in very few places. I shall give one instance more. The apostles commanded the feast of Easter to be celebrated upon the Sunday after the full moon, which should happen after the vernal equinox: so the western churches said. The eastern pretended another canon from St. John, to celebrate it after the manner of the Jews: and though they were confident and zealous for that observation upon the apostolical warrant; yet the western bishops at first, and afterwards the whole church, did force the easterlings to change that rule, which they and their forefathers had avowed to all the world, to have received from St. John; and it is observable, that this was done upon the designs of peace and unity, not upon any pretence that St. John had never so given it in order to the Asian churches.

RULE XII.

All those Rituals which were taught to the Church by the Apostles concerning Ministries, which were of Divine Institution, do oblige all Christendom to their Observation.

1. I INSTANCE in the holy sacrament first of all: concerning which the apostles delivered to the

[f] Consult. art. 23.
[g] Novel. 123. cap. 12, 13.
[h] Lib. 32. contra Faustum Manich. cap. 13.
[i] Lib. 2. chap. 2. rule 2.
[k] Reginald. Prax. fori Pœnit. lib. 4. cap. 12. sect. 3. p. 148. n. 133.

churches the essential manner of celebration, that is, the way of doing it according to Christ's commandment: for the words themselves, being large and indefinite, were spoken indeed only to the apostles, but yet they were representatives of all the whole ecclesiastical order in some things, and of the whole christian church in other; and therefore what parts of duty and power and office did belong to each, the apostles must teach the church, or she could have no way of knowing without particular revelation.

2. Thus the apostles taught the bishops and priests to consecrate the symbols of bread and wine, before they did communicate; not only because by Christ's example we were taught to give thanks before we eat, but because the apostles knew that the symbols were consecrated to a mystery. And this was done from the beginning, and in all churches and in all ages of the church; by which we can conclude firmly in this rule, that the apostles did give a canon or rule to the churches to be observed always, and that the church did never believe she had authority or reason to recede from it. For in those rites, which are ministries of grace, no man must interpose any thing that can alter any part of the institution, or make a change or variety in that which is of Divine appointment. For the effect in these things depends wholly upon the will of God, and we have nothing to discourse or argue; for we know nothing but the institution, nothing of the reason of the thing: and therefore we must, in these cases, with simplicity and obedience, apply ourselves to practice as we have received, for we have nothing else to guide us: memory and obedience, not discourse and argument, are here in season.

3. And in this we have an evident and apparent practice of the church handed to us by all hands that touch these mysteries; as who please may see in Justin Martyr,[a] Irenæus,[b] Origen,[c] St. Cyril of Jerusalem,[d] and of Alexandria,[e] St. Basil,[f] St. Gregory Nyssen de Vitâ Moysis, Optatus Milevitanus,[g] St. Chrysostom,[h] St. Ambrose,[i] St. Jerome,[k] St. Austin,[l] Theodoret,[m] Gregorius Emissenus,[n] Gregory the Great,[o] Damascen,[p] Remigius,[q] Paschasius,[r] and divers others, and absolutely in all the liturgies that ever were used in the church: so that the derivation of this canon from the apostles, is as evident as the obedience to it was universal.

4. But where the apostles did not interpose, there the churches have their liberty; and in those things also, which evidently were no part of the appointed liturgy or ministration, in those things, though it be certain the apostles did give rules of order and decency, yet because order is as variable as the tactics of an army, and decency is a relative term, and hath a transient and changeable sense, in all these things there is no prescription to the church, though we did know what the churches apostolical did practise, for they did it with liberty: and therefore we are not bound; the churches are as free as ever; though the single persons in the churches can be bound, yet churches always have liberty.

5. And indeed that is the best sign, that the apostles gave no perpetual order, in any instance, and that it is no part of the institution, or the ministry of grace, when the ancient churches, who were zealous for the honour apostolical, and accounted every thing excellent that derived from them, did differ in their practices. Thus the Greek and Latin churches did always differ in the sacramental bread, the Latins consecrating in unleavened bread, which the Greeks refuse: if either one or other had been necessary, they should have been clearly taught it, and if they had, there is no reason to believe, but they would have kept the "depositum," there being no temptation to the contrary, and no difficulty in the thing, and no great labour to preserve; the daily use of the church would have had in it no variety; for no traditions are surer, or easier preserved, than the λειτουργικὰ, "the matters of liturgy," and the rituals apostolical: which when we find that they were unitedly and consentingly kept by the ancient churches, we may well suppose the apostles to be the first principle of derivation, and that the thing itself was necessary and a part of the religion; but if at first they varied, they had no common principle, and therefore they had no necessity.

6. Thus that the bishop or priest should be the only minister of consecration, is an apostolical canon or rule, "ad quorum preces Christi corpus sanguisque conficitur," saith St. Jerome:[s] and the continuation and descent of this particular, from the manners of the apostolical ministration, is evident in the foresaid testimonies. Now because, by this constant derivation, we can pursue the tract up to the apostles, and, from their practice and teaching of it, we can understand it to be "the will of God," and because this whole ministry is an act of grace, and depends only upon the will of God, we perceive the thing to be necessary and unalterable, we must look for grace in the ministries of grace so as God hath appointed them; and therefore in these things, the churches of the succeeding ages have no authority, no liberty, no variety. That women do communicate in the holy mysteries, is not set down in the institution: but the church derives her warranty from the interpretation and order and practice apostolical: the church was taught by the apostles to admit them, and she always did it: and these things amongst sober and modest men do sufficiently prove one another. They always did it, and therefore they were taught it by the apostles: and they were taught to do so by the apostles, and therefore they were obliged to do it. And now, in matters of salvation and common duty, the rule[t] of the church is, "Scriptura loquens in masculino procedit etiam in

[a] Apol. 2. ad Anton. [b] Lib. 4. ad Hær. cap. 34.
[c] Lib. 8. contr. Celsum. [d] Mystag. Catech. 3, 4.
[e] In Johan. lib. 10. cap. 13. [f] Lib. de Spir. S. cap. 27.
[g] Lib. 2. cont. Par.
[h] In 2 Tim. hom. 2. serm. de Prodit. Jud.
[i] De Sacram. lib. 4. cap. 4.
[k] Ep. 1. et 85. ad Evagrium, et in Sophon. cap. 3.
[l] De Trinit. lib. 3. cap. 4. contra Faust. Manich. lib. 20. cap. 13. et serm. 28. de Verbis Domini.
[m] Dial. 1. [n] Serm. 5. de Paschate.
[o] Dial. lib. 4. cap. 58. [p] De Fide, lib. 4. c. 14.
[q] In 1 Cor. cap. x.
[r] Lib. de Corpore Domini. [s] Epist. 85.
[t] Panormitan. in capit Majores in Princip. in 5to Notab.

fœminino." There is no difference in sexes, and before God it is now as it shall be in the resurrection: "There is neither male nor female with him," but all alike.

7. That the symbols were to be consecrated, and who were to consecrate, and who were to receive, were of great necessity to be taught and determined: and in all this we see unity and necessity, authority and obedience; but when we go beyond this, and the plain and necessary and constituent parts of the institution, we find variety and uncertainty. That bread is to be used, is plain; but whether leavened or unleavened, neither Christ nor his apostles have left in charge or memory. That wine is to be blessed, is certain: but whether mingled with water, or not mingled,—we are not determined by any authority. That the bread and wine are to be blessed, we are sure; but in what form of words, and whether by the mystic prayer, or the words of institution,—is not derived to us by sufficient tradition. That the Lord's supper is, sacredly and with reverence, to be received, is taught us by the apostles: but whether this reverence ought to be expressed by taking it "virgine saliva," fasting, or not fasting,—the apostles left the churches to their choice. In those things which did co-operate immediately to the grace of the sacrament, in those we were not to invent any thing; and in those we were tied to obey what was delivered us.

8. And the same is the case in baptism, in which that which was necessary, is, that the person be baptized in water, and in the name of the Father, Son, and Holy Ghost: but whether the priest shall say, "Ego te baptizo," as the Latins do,—or, "Baptizetur servus Christi," as the Greeks do,—is indifferent: and if the apostles had used any other little variety of words, yet if there was not in the first churches a unity and universality of practice, it is certain the apostles did not, by their act or canon, intend to oblige all christendom: but themselves did it with liberty, and therefore so might the churches after them.

9. For excepting those things which the apostles received from Christ, in which they were ministers to all ages, once for all conveying the mind of Christ to the generations to come,—in all other things they were but ordinary ministers, to govern the churches in their own times, and left all that ordinary power to their successors, with a power to rule their churches, such as they had, and therefore whatever they conveyed as from Christ, a part of his doctrine or any thing of his appointment, this was to bind for ever; for Christ only is our lawgiver, and what he said was to last for ever: in all things which he said not, the apostles could not be lawgivers; they had no such authority; and therefore whatsoever they ordered by their own wisdom, was to abide as long as the reason did abide; but still with the same liberty with which they appointed it; for of all men in the world they would least "put a snare upon the disciples," or tie fetters upon christian liberty. But in Divine commandments, and in what were the appointed ministries of grace, they were but the mouth of Christ, and ministers of his Holy Spirit; and in those things, what they told to the churches, is our law for ever.

10. Of the same nature is the distinction of bishops from presbyters, and the government of the church by them; for this being done in the apostles' times, and immediately received by all churches, who, every where, and ever since, were governed by bishops and by presbyters under them, it is not only still to be retained unalterably, and is one of those great things, in which the present churches have no liberty or authority to make a change: but it is to be concluded to be a law of Christ, which the apostles did convey, with an intent to oblige all christendom; not only because the apostles could not, in things indifferent, oblige or make a law to succeeding ages,—for they had no authority, and could not govern churches after they were dead,—and it was against the laws of Christ, that the commandments of men should be taught for doctrines,—and it is against christian liberty, that a lasting necessity should, by man, be put upon any thing, and the succeeding churches would be straitened in the liberty which Christ had given them, and in which they were bound to stand fast;—not only all this, but this was a ministry of grace, the bishops were for ever appointed to give "a gift by the laying on of hands:" and therefore here was an appointment by Christ, and by Christ's Spirit; for there is not in the world a greater presumption, than that any should think to convey a gift of God, unless by God he be appointed to do it. Here then could be no variety, and no liberty: this canon apostolical is of eternal obligation, and the churches cannot otherwise be continued.

11. But then in the appendages and annexes of this, the apostles did do their ministries: they did invocate the Holy Spirit upon those which were to be ordained: but in these they had no commandment what form to use. Imposition of hands and prayer were the necessary and appointed ministry: for in these things the churches did not vary, but took them from the apostles as the appointed liturgy: but with what form of words, and with the tradition of what instruments, is left to the choice and economy of every church.

RULE XIII.

In the Rules which the Apostles gave to their Churches in Things indifferent, the Church hath a Liberty; but it is not used but for great Reason and great Necessity, and for the Edification of the People committed to their Charge.

1. THE reasons of this rule are these two. First, because it is a great regard to the honoured names of the apostles, the pillars and foundations of the church, that there be not an easy change made of what they, in wisdom, had determined to be the measures of order and decency. But this is to be understood in such things, which change not, and whose nature, although it be not of moral obligation, yet the reason that bound it first may be perpetual, and such which cannot be succeeded to, and cannot

be excelled. Thus the keeping of the Lord's day, besides all the other reasons derived from the nature of the thing, yet even for this alone, because it derived from the apostles, is to remain so for ever, because the reason being at first competent, for which they kept their assemblies, and gave that day to religion, and the same reason remaining for ever, and another cannot come in place of it, and a greater there cannot be, although the churches are not in conscience directly bound, yet collaterally and indirectly they are. For it would be a plain contempt of the persons and wisdom of the apostles, besides the disrespect to the mystery itself, to change the Sunday festival into any other day; for since there can be no reason for so doing, and a greater blessing than Christ's resurrection we are not to expect, and a greater reason for the keeping of a day than a thanksgiving for the greatest blessing there cannot be, (except a Divine commandment,) the only reason why any church should change it, must relate to the apostles; and therefore, be no less a contempt of their persons, and a lessening of their eminence, and could not be less than an intolerable scandal.

2. The other reason is, because the apostles even in things where they had no Divine commandment, yet had the Spirit of God,[a] the spirit of wisdom and government; and therefore where evidently there is not an inconvenience, or a uselessness, or an unreasonableness by reason of the change of times and circumstances, the churches are on the surer side, when they follow the practice and precedents of the apostles, and have the confidences of a reasonable hope, that such appointments are pleasing to Christ, since it is not unlikely that they were derived from the Spirit of Christ. But in these cases the practices and canons apostolical must be evident and proved: for since, in these particulars of lesser concernment, we do but presume and conjecture that the apostles were taught by the Spirit immediately; if it be but a conjecture that the apostles did teach or practise it, we have two lame feet, and cannot tread securely.

3. I shall give one instance in this particular, but it will be of great use, not only for the verification of this explication of the rule, but in order to conscience, because it is in some churches tied with strait cords, and pretended to be very necessary, and of great obligation upon this stock, because it was appointed by the apostles: and it is the observation of Lent and the weekly fasting-days.

Of the Lent Fast, and the weekly Fasting-days.

4. The fast of Lent, of all that are not, pretends the most fairly to have been an apostolical tradition; and if it could prove so, it would with much probability pretend to have been imposed with a perpetual obligation.

5. Of the first we have many testimonies from the ancient fathers. So St. Jerome:[b] "Nos unam quadragesimam secundam traditionem apostolorum toto anno, tempore nobis congruo, jejunamus."—So St. Leo:[c] "Quod ergo in omni tempore unumquemque convenit facere christianum, id nunc solicitius est et devotius exequendum, ut apostolica institutio quadraginta dierum jejuniis impleatur." And again:[d] "A sanctis apostolis per doctrinam Spiritus Sancti majora sunt instituta jejunia, ut per commune consortium crucis Christi, nos etiam aliquid in eo, quod propter nos gessit, ageremus." To these agrees Isidorus Hispalensis:[e] "Quadragesima in universo orbe institutione apostolicâ observatur circa confinium Dominicæ passionis." To which Dorotheus,[f] a Greek abbot, does consent, save only that he says more; for he affirms that the apostles did consecrate the seven Quadragesimal weeks of fasting. So that here we have four ancient authors give testimony, that the Lent fast was a tradition or an appointment apostolical.

6. Now if it comes from the apostles by way of precedent or authority, the thing itself hath, in its nature or appendage, some advantages, by which with much reasonableness we may believe it was intended to bind all ages of the catholic church. Because the usefulness of it will be as much now as ever it was; and it being a specification of the duty of fasting, which will never be out of season, and having always the same common cause, that is, the precedent of Moses and Elias, and the example of our blessed Saviour himself, the duty not being relative to time or place, and the reason of the institution being of perpetual regard, and the usefulness very great, and the thing pious and holy, and add to these, all churches ancient and modern having received it till now of late, it will be very like a duty incumbent upon all churches and all ages to observe this fast, which the apostles with so much reason did prescribe.

7. And in pursuance of this we find some excellent persons in the ancient churches saying expressly, that this institution is warranted to us from Christ. So St. Austin:[g] "The Carême or Lent fast hath an authority of a fast both in the Old Testament from the fast of Moses and Elias, and out of the gospel, (because so many days the Lord fasted,) demonstrating that the gospel does not differ from the law:" and again;[h] "By that number of forty, in which Moses and Elias and our Lord himself did fast, was signified unto us that we must abstain from secular delights." The same thing also is affirmed by St. Jerome;[i] "Moses and Elias, in their forty days' hunger, were filled with the conversation of God: and our Lord himself fasted so many days in the wilderness that he might leave to us the solemn days of fasting:" or, as he says in another place,[k] "Hæreditatem nobis jejunii derelinquens, ad esum corporis sui sub hoc numero animas nostras præparat;" "Leaving to us the inheritance of fasting, under this number he prepares our souls for the eating of his body."—So Isidore: "The first is the fast of Lent, which began from the fast of Moses

[a] 1 Cor. vii. 40. [b] Epist. 54. ad Marcell.
[c] Serm. 6. de Quadrages. [d] Serm. 9.
[e] Origin. lib. 6. cap. 19. p. 83. a.
[f] Biblioth. PP. Græco-lat. tom. 1. p. 839.
[g] Epist. 119. ad Januar. [h] In Psal. cx.
[i] In Isa. lib. 16. cap. lviii. [k] In Jonæ, cap. iii.

and Elias and of our blessed Lord, who fasted so many days."

8. Now although these fathers intend not to say, that our Lord did command this fast, but gave us a precedent and an example to imitate as well as we can: he was the occasion why the church took that time, and performed that severity: yet the example of our blessed Lord cannot be neglected without sin: "Non enim, fratres, leve peccatum est indictam Quadragesimam à Domino non jejunare, et jejunia consecrata ventris voracitate dissolvere," &c. said the author of the twenty-fifth sermon in the works of St. Ambrose: "It is not a light sin not to keep the Lenten fast which was indicted by our Lord, and with the greediness of the belly to dissolve these consecrated fasting-days. For what does he deserve that breaks the fast which Christ indicted? If therefore thou wilt be a christian, thou must do as Christ did. He that had no sin, fasted forty days: and wilt not thou who hast sinned, keep the Lent fast? he, I say, that had no sin, yet fasted for our sins: Think therefore in thy conscience, what a kind of christian thou art, when, Christ fasting for thee, thou will eat thy dinner." This author, whoever he was, (for it was not St. Ambrose,) supposed that the example of Christ was a sufficient indiction of the Quadragesimal fast. But it is to be observed, that it is not unusual with ancient writers to affirm a thing to be by Divine right, if there be in Scripture but an authentic precedent and example of it. Thus when the canon[l] law affirms, that the churches and churchmen are free from secular exactions, not only by human but also by Divine right: which saying, because to our ears it must needs seem extremely harsh, the gloss upon the place does soften it, by referring it to the fact of Joseph to the Egyptian priests, and of Artaxerxes to the Israelites. So that it is not intended that things of this nature be Divine precepts properly so called; but such which the church[m] for decent regard takes up in imitation of so great examples: and indeed they are such, which when the church hath upon such accounts taken up, cannot be omitted without sin, if they be omitted without cause: for then they have authority when they are commanded by our superiors. But the example of our blessed Lord, in such extraordinaries as these, is but a very weak argument to introduce an institution, ordinary and perpetual, troublesome and ensnaring. But of this that we may be rid at once, I will set down the judgment of St. Austin and of Chrysostom:[n] "In what shall we imitate the ways of Christ? Shall it be in that magnificence in which God was in the flesh? Or does he exhort us to this, or exact of us to do miracles such as he did? He did not say, Ye shall not be my disciples unless ye walk upon the sea, or unless ye raise to life him that hath been dead four days, or unless ye open the eyes of one that was born blind. What therefore does he mean, saying, 'Ye must enter by the door; Learn of me, because I am meek and humble in heart?'" that is entering in by the door, that is the imitation of Christ that is required of us. But St Chrysostom[o] says the same thing, and more pertinently, and applied to this matter of fasting: "He doth not say his fast is to be imitated, although he might propound these forty days of his: but 'Learn of me, for I am meek and humble in heart:' yea rather contrarily, when he sent the apostles to preach the gospel, he did not say, 'Fast,' but 'Eat whatsoever is set before you.'" Now this argument from our blessed Lord's example being removed, and it being certain, that, from his example, to conclude a Divine precept in such extraordinaries and external actions is the worst argument of the world, and it being expressly affirmed by St. Chrysostom that Christ did not, in his fasting, propound himself as imitable by us, we may now return to the first consideration and pretence, and inquire whether or no the fast of Lent was a tradition and canon apostolical: that is, not only whether this did descend from their practice, (for if Christ's example did not oblige us in this, much less could that of the apostles,) but also whether the apostles did deliver this as a rule for the practice of the churches in all descending ages.

The Lent Fast is not a Tradition or Canon apostolical.

9. This first appears in that we find it affirmed often in antiquity, that the fasts of the church were arbitrary and chosen, without necessity and imposition from any authority. Which thing was observed by Socrates,[p] speaking of the Lent fast: "Because no man can show in any record that there was a commandment concerning this thing, it is manifest that the apostles did permit a free power in the same, leaving it to every one's mind and choice, that every one might do what was good, without the inducement of fear or of necessity."—"For so we ought to fast and to abstain, (saith Prosper,[q]) that we may not submit our souls to a necessity of fasting and abstaining, that we may not do a voluntary thing by an involuntary devotion." But of this we have elder testimony: for when Tertullian scraped together all that he could to justify the Lents of Montanus, the new fasts which he, for discipline, would have had the churches for ever to observe,—he laid hold upon the practice of the catholics to verify Montanus's imposition, saying, that the catholic bishops did enjoin fasts "sometimes 'et ex aliquâ sollicitudinis ecclesiasticæ causâ,' upon the occasion of some trouble or affliction in the church,"[r] that is, temporary fasts, or solemn days upon special emergent accidents. He adds also that they kept the Paschal fast, the two days before Easter, in which the Bridegroom was taken from them: but in these days they did sometimes live on bread and water, "ut cuique videbatur, et hæc ex arbitrio agentes et non ex imperio;" "they did this not by any command, but by choice and as they pleased themselves;" for so the catholics did say and be-

[l] In 6. de Censibus, cap. Quanquam.
[m] Vid. Bellar. l. 1. de Cleric. c. 28. sect. Quinta propositio.
[n] S. Aug. in Psal. xc. [o] Homil. in Matt. 47.
[p] Lib. 5. cap. 22. Græ. 21. Latin.
[q] De Vitâ Contemplat. lib. 2. cap. 24.
[r] Lib. de Jejun. cap. 13.

lieve,[s] "sic et observâsse apostolos, nullum aliud imponentes jugum certorum, et in commune omnibus obeundorum jejuniorum," "that the apostles did fast as every christian else did and ought to do," "ex arbitrio, pro temporibus et causis uniuscujusque," "as every one had cause and opportunity and will;" but they imposed no other yoke of certain, and for-ever-to-be-observed fasts.

> Laxus ac liber modus abstinendi
> Ponitur cunctis: neque nos severus
> Terror impellit: sua quemque cogit
> Velle potestas.
> Sufficit quicquid facies, vocato
> Numinis nutu prius, inchoare,
> Sive tu mensam renuas, cibumve,
> Sumere tentes.

So Prudentius[t] expressly affirming that even, in his time, there were no laws of set and annual fasts: for that very thing Victor Antiochenus[u] makes to be a difference between the Old and New Testament; for the faithful in that time had fasting-days appointed by God, "quæ proinde modis omnibus explere obligabantur, etiamsi alias noluissent," "which they were bound by all means to observe, though against their will;" but under the gospel we fast by the love of virtue, and the choice of our own will, rather than by the coaction of any law. For "quibus diebus jejunandum sit, nullo apostolorum præcepto definitum reperiri," said St. Austin;[w] "what days we are to fast, is no where to be found determined by any precept of the apostles."

10. (2.) This also appears in that we find the original of the Quadragesimal or Lent fast attributed to other causes and beginnings, than the tradition or canon apostolical. Cassian[x] says, that "as long as the perfection of the primitive church did remain, there was no observation of a Lent fast; for they who spent the whole year in abstinence, were not tied with the necessity of a precept or legal sanction. But when the multitude of the believers, every day cooling in their devotion, did brood upon their wealth, "id tunc universis sacerdotibus placuit,"[y] "then it seemed good to the bishops" to recall men to the work of holiness by a canonical indiction of fasts, and to give to God the tenth of their days." So that the cause of the institution of this fast was the universal declension of the primitive piety: and the authors of it were the whole consent of the bishops. Something like this was that of St. Chrysostom,[z] who complaining of the diminution of the primitive heats of piety, and their unworthy communicating, especially at Easter, adds, Συνειδότες οὖν οἱ πατέρες τὴν βλάβην τὴν γινομένην ἐκ τῆς ἡμελημένης προσόδου, συνελθόντες ἐτύπωσαν ἡμέρας τεσσαράκοντα νηστείας, εὐχῶν, ἀκροάσεως, συνόδων, &c. "When the fathers had observed the hurt that came from so careless conventions, they, meeting together, appointed forty days for fasting and prayer and hearing of sermons, and holy assemblies." St. Austin does not, as Cassian, impute it to the sanction of the bishops, nor to a council of the fathers, as St. Chrysostom,[a] but to the custom of the church: "Ut quadraginta illi dies ante Pascha observentur, ecclesiæ consuetudo roboravit: sic etiam ut octo dies neophytorum distinguantur à cæteris," "The custom of the church hath established the observation of forty days before Easter, and the eight days after Easter for the novices." Both from the same principle. But it was not the same authority of the apostles, but the custom of the church, that made it into a law. In Irenæus's time, there was a custom of fasting about that time, for one or two days or more, but it was καθ' ἁπλότητα καὶ ἰδιωτισμὸν συνήθεια, "a simple and a private custom."[b] But when it was made, it was only for the imperfect, and the men of the world, that spent their year in gathering money, and mispent their time; they only were intended in the constitution. This we have from St. Jerome:[c] "Jejunia à viris prudentibus propter eos constituta fuisse, qui magis sæculo vacant quam Deo;" "Some prudent men appointed the solemn fasts for their sakes, who spent their time in the affairs of the world, more than in religion."—And since it is consentingly affirmed, that the great end of the Lent fast is for preparation to the Easter communion, what use (at least to this great purpose) can it be of to those pious persons, who communicate every fortnight, or, it may be, every week in the year? But it is true, that the great end and ministry of the Lent fast was in order to the Easter communion, but it was of such persons, who, being admitted to public penance upon Ash Wednesday, were reconciled and admitted to the communion upon Easter day: which custom being not in use,—the use of Lent, in order to the chief end to which it did minister, is wholly lost. It was therefore true, which St. Jerome said, that Lent was for the imperfect and secular persons, for public penitents, and persons convict of scandalous crimes, for men of the world, and not for the religious, who, every month or week, observe the religion of Easter, and live in a state of perpetual preparation. "Perfecti non tenentur lege jejunii," "They that all the year lived strictly, were not bound to the observation of Lent:" so Cassian; and from him Isidorus Hispalensis[d] and Rabanus Maurus:[e] and the same thing also was affirmed by St. Chrysostom, from whom Cassian, who was his scholar, might receive it.[f]

11. (3.) Some of the ancient and primitive writers affirm Pope Telesphorus to have been the first author of Lent fast, about the year 136. So Eusebius, in his Chronicon, affirms, "Quadragesimale jejunium à Telesphoro per hoc tempus institutum ac præceptum quidam scribunt;" "Some write that Telesphorus commanded the Quadragesimal fast."—Scaliger believes this not to be the saying of Eusebius, as not being to be found in the Greek MS. copies: but however, till Scaliger's time, it was, in the middle ages of the Latin church and so downwards, believed: and it was affirmed expressly by Rabanus Maurus[g] and Rupertus.[h]

[s] Cap. 2. [t] Cathemer. hymn. 8. [u] In Marc. cap. 2.
[w] Epist. 68. ad Casulanum.
[x] Collat. 22. cap. 30. [y] Cap. 9.
[z] In Vet. Test. tom. 5. Hom. in eos qui Pascha jejunent.

[a] Epist. 119. ad Januar. [b] Apud Euseb. lib. 5. cap. 26.
[c] In Galat. lib. 2. [d] De Offic. Eccles. lib. 1. cap. 36.
[e] De Instit. Cleric. lib. 2. cap. 20. [f] Homil. 10. in Genes.
[g] Ubi supra, cap. 34. [h] De Divin. Offic. lib. 4. cap. 9.

12. (4.) The thing and the name were unknown in the church in the three first ages. This is very apparent in Tertullian, who, making his apology for the fasting-days of Montanus, says they are no such great matter, that the ψυχικοὶ, "the spiritual men," (so he calls the catholics,) should complain of them as of so intolerable a yoke upon the disciples. It was but ten days in all; two weeks, abating Saturdays and Sundays: and Sozomen[i] says, "these two weeks were before Easter." Now if the catholics had known of our Lent, then, of forty days' fast, they would never have been so unreasonable as to complain of the ten days of Montanus: and that was all he imposed in the whole year, let the time be when it will. And yet this was more than the catholics did; for when from their practice (as I noted before) Tertullian[k] would fain have drawn some warranty and countenance, he says that "the apostles did not quite extinguish all difference of days; for if they did, why did the catholics then observe Easter every year? why the fifty days of joy after it? why the Wednesday and Friday fast, and [Good Friday, or] the preparation-day? and why the Saturday fast? though indeed this ye never fast but at Easter." Here are also the solemnities both of feastings and fastings which the church then had: and therefore it is easy, without much diligence, to discover the weakness of those pretences which derive from more ancient record, but indeed are nothing but deceptions and interpolations. Such as is the sixty-ninth canon apostolical, which commands the observation of Lent to a clergyman, under pain of deposition,—to a layman, under excommunication. But the imposture of these canons, especially of the last thirty-six, amongst which this is one, are abundantly acknowledged by men of all persuasions. And so is that of St. Ignatius to the Philippians, "Despise not the Lent, for it contains an imitation of the conversation of our Lord." But of this epistle the ancients make no mention, and that it is supposititious, is very fully proved by the learned and most reverend primate of Armagh,[l] and it is so notorious, as nothing can be more; for the author of this epistle condemns that which St. Ignatius and his neighbour-churches did, and calls him "a companion of them that killed Christ, that keeps Easter after the manner of the Jews." But of this enough. But as to the thing; if the Lent fast were of apostolical institution, it were strange there should be no mention of it in the certain writings of the three first ages: not a word of it in Justin Martyr or St. Irenæus; in Tertullian or Clemens Alexandrinus, in Clemens Romanus's genuine epistle to the Corinthians, nor in St. Cyprian. There is indeed a little shred taken out of Origen's tenth homily on Leviticus; "Habemus enim quadragesima dies jejuniis consecratos," "We have the days of Lent designed for fasting." But concerning this I can only say, that the homilies were supposed to be St. Cyril's, written in the fifth age, and published in his name; but whoever be the author, "he that wrote them, destroys the letter of the Scripture all the way, out of his own brain, and is a man of no great authority," says Bellarmine;[m] and therefore it remains certain, that, in the three first ages of the church, there was no mention made of the Quadragesimal or forty days' fast in Lent, and therefore it was not derived as a law or by rule from the apostles: but so strange a thing it was that there should be any common prescript fasts, that Apollonius accused Montanus for it; he was διδάξας λύσεις γάμων, καὶ νηστείας νομοθετήσας, "he taught the solutions of marriage, and made a law for fasting-days."

13. (5.) The Quadragesimal fast was relative and ever in order to the Easter feast; and therefore could not be before that, for whose sake it was appointed. But the feast of Easter was; and the Sunday festival was introduced by custom and arbitrary choice, for relaxation of labours, and the memory of Christ's resurrection; indeed it was at the beginning of the dissemination and prevailing of christianity, but it was without a Divine command, or an apostolical canon, if we may believe Socrates.[n] Τὴν ἑορτὴν τοῦ Πάσχα οἱ ἄνθρωποι—ἕκαστοι κατὰ χώρας ὡς ἐβουλήθησαν—ἐξ ἔθους τινὸς ἐπετέλεσαν. Οὐ γὰρ νόμῳ τοῦτο παραφυλάττειν ὁ Σωτὴρ ἢ οἱ ἀπόστολοι ἡμῖν παρήγγειλαν, "The feast of Easter and other feasts, every man, as he pleased in several places, did out of a certain custom celebrate the memory of the salutary passion. For neither our Saviour nor the apostles appointed this by a law." For the apostles did not trouble themselves about making laws for feasts, ἀλλὰ βίον ὀρθὸν καὶ τὴν θεοσέβειαν εἰσηγήσασθαι, "but to introduce piety and a good life." The rest was permitted to the good-will of the churches, who, being sensible of the great benefits of Christ's passion and resurrection, would quickly introduce a custom of such a pious gratitude; and Nicephorus[o] tells the same story, and in words very like. And the thing was not long in doing; it was so reasonable, so pious, so obvious, so ready and prepared, that at the very beginning all christians did it, though, as it happens, in several churches after several manners. And supposing that these Greeks say true, yet it is no more lessening to the sacredness of that great feast, that the apostles did not intend to make laws concerning it, than it is to baptism, that St. Paul says, "Christ sent him not to baptize, but to preach the gospel;" that is, though to baptize was a holy office, yet he was to attend something that was greater, and required his diligence and presence. But this adds some moments to the sacredness of that great feast, that the apostles left it to the piety and good-will of the churches, as knowing that the Spirit of God, which they had received to this and greater purposes, was more than sufficient for the leading them into a specification of their piety and gratitude upon such great causes: and it was a very great matter, that instantly all churches did consent in the duty, without any law or common teacher, but the Spirit of God and right reason. The result of

[i] Sozom. lib. 7. cap. 19. Petav. in notis ad Epiph. p. 361.
[k] Tertull. de Jejun. cap. 14, 15.
[l] Dissert. ad Ignat. cap. 12.
[m] De Verbo Dei, lib. 4. cap. 11.
[n] Lib. 5. cap. 22.
[o] Hist. lib. 12. cap. 32.

this consideration is this, that if the apostles left the celebration of Easter and other feasts to the choice and piety of the churches, it is not likely that they bound the Lent fast by a canon, since the Lent was always acknowledged to be a preparation for Easter, and was never heard of before there was a christian Easter. But I may have leave to interpose my conjecture (for it is no more): I suppose Socrates by "pascha," does not mean the day of the resurrection, but the day of the passion; and that he intends only to say, that "the solemnity of the Good Friday devotion, was not appointed by Christ and his apostles, but left to the piety and gratitude of the church." The reasons of my conjecture are these. 1. Because Socrates calls it *μνήμην τοῦ σωτηριώδους πάθους* "the memorials of Christ's passion;" which the Easter Sunday was not, but of the resurrection. 2. Because we find the word "pascha" used by the ancient fathers in the same sense; *τὸ πάσχα νηστεύειν*, said Timotheus Alexandrinus, "to fast on the Pasch:"—so *ἡ νηστεία τοῦ Πάσχα*, St. Clement calls the Good Friday fast, "the Paschal fast," meaning, that then began the Jewish Passover, and then Christ our Passover was offered for us. So Tertullian:[p] "Sic et die Paschæ, quo communis et quasi publica jejunii religio est, merito deponimus osculum," &c. The day of the Pasch is a public and a common day for the religion of fasting; which because it was never true of Easter day, and being always true of Good Friday, he must mean this. 3. Because it is very probable[q] that the Easter festival was in use, though not commanded in the apostle's time, therefore because they kept the memorial of the resurrection, the first day in every week; and therefore Socrates could not in all likelihood mean that day, but the "pascha passionis," "the paschal passion," not the paschal resurrection. And then upon this account, though this fifth argument will not prevail, it is because we need it not; for whatever destroys the premises in this case, does establish the conclusion. For if by "pascha" he means the Paschal fast, that is, Good Friday,—then he gives testimony, and that very consonantly to the prime antiquity, that it was left free, and undetermined by Christ and his apostles; but if he should mean the Easter feast, and did say true, yet it will follow from hence, that much more must the preceding fast be left undetermined.

14. (6.) If any man should say that kings are all created, as Adam was, in full stature and manhood, by God himself, immediately,—he could best be confuted by the midwives and the nurses, the schoolmasters and the servants, of the family, and by all the neighbourhood, who saw them born infants, who took them from their mother's knees, who gave them suck, who carried them in their arms, who made them coats and taught them their letters, who observed their growth and changed their ministries about their persons. The same is the case of the present article. He that says our Lent, or forty days' fast before Easter, was established by the apostles in that full growth and state we now see it, is perfectly confuted by the testimony of those ages that saw its infancy and childhood, and helped to nurse it up to its present bulk.

15. For it is not to be denied, but that from the very first ages of the christian church of which we have any records, it was with sacredness and religion observed, that before the feast of Easter they should fast. *Τὴν νηστείαν τοῦ πάσχα*, St. Clement calls it; *τὰς παραδεδομένας νηστείας εἰς τὸ κοινὸν καὶ φυλασσομένας ὑπὸ τῆς ἐκκλησίας*: so the council of Gangra[r] about the time of the Nicene council, "the fasts which were delivered in common, and observed by the church;"—*τὰς ὡρισμένας νηστείας*, "the appointed fasts," so Constantine called them. But this Paschal fast was nothing like ours, it was not our Quadragesimal; it was but a fast of one or two days at first, and in some places. For at first the christians were very shy of receiving any love of ordinances and burdens to their consciences, as soon as ever they had entered into the liberty of christians. They did all that reason and all that love would require: but if love was the parent of their observations, they would do them in love, and not in necessity, lest they should be again entangled in a yoke of bondage. That they kept their fasts with liberty, besides the foregoing testimonies, is expressly affirmed by Theodoret,[s] who blaming the heretics that abstained from flesh and wine, as being abominable, "Ecclesia vero (saith he) de his nihil præcipit; neque enim horum usum interdicit. Ideo alii quidem permissis voluptatibus securi fruuntur, alii vero abstinent: et nemo qui recte sapiat, condemnat eum qui comedit; nam et abstinentia et participatio sunt in mentis potestate:" "But the church commands nothing in these things, and forbids not to use flesh and wine; and therefore some enjoy them freely, others do abstain, and no wise man condemns him that eats: for to eat or to abstain is in the power of every man's will."—Now, if the church had, from the apostles, received a law of the Lent fast, or if in the church there had been a law to command abstinence from flesh in Lent, it had not been truly said of Theodoret, "Ecclesia de his nihil præcipit;" for a commandment for a time and a revolving period, certainly is a commandment. But this further appears in the variety, which is in all the actions and minds of men, when they are at their own choice. Of this a fragment of Irenæus, mentioned by Eusebius,[t] is a great testimony: for there had been an unlucky difference between the western and eastern churches about their keeping of Easter, and Pope Victor was transported into heats upon the question, and received from St. Irenæus this sober advertisement, "For there is not only a controversy about the day of Easter, but about the kind of fasting. For some suppose they ought to fast but one day, others two, others more; some measure their day by forty hours of day and night. And this variety of them that observe the fasts, did not begin in our age, but long before us with our ancestors, who, as it is likely, retaining a custom introduced by simplicity and a private choice,

[p] Lib. de Orat. cap. 14.
[q] Vide lib. 2. chap. 2. rule 6. numb. 55, 56.
[r] Apud Socrat. lib. 2. Hist. cap. 3.
[s] Lib. 5. Hæretic. fabul. cap. 29.
[t] Lib. 5. Hist. cap. 26.

did propagate it to posterity. And yet, nevertheless, all these lived peaceably one with another, and we also keep peace together; for the difference of the fast is so far from violating the agreement of faith, that it does commend it rather." Here was the Paschal fast observed by all men, but with great variety and a proportionate liberty. The cause of the variety was this, which was also the ground of their practice: they thought that the words of Christ, "When the bridegroom shall be taken from them, in those days shall they fast," were to be meant of the interval of Christ's death and burial, as we learn from Tertullian.[u] Now because it was but one whole day that Christ was in the grave, some fasted but one day, beginning on the Friday afternoon. Others consider that Christ was about forty hours dead, and the bridegroom was absent so long; and therefore reckoned their fast to forty hours, beginning from the ninth hour on Good Friday, and eating nothing till the morning of Easter day: and this was the most severe and the most prevailing amongst them; and this is the Τεσσαρακοστὴ, "the Quadragesimal fast," this gave occasion to the name, which was kept when the forty hours were changed into forty days, and new analogies and new reasons found out for it,—and their fasting for the absence of the Bridegroom was changed into a fasting in imitation of Moses and Elias and our blessed Saviour in the wilderness. Only, by the way, let me observe, that at first they had no appointed fasts, but of those hours in which the Bridegroom was taken from them that is none but the Paschal fast: as Tertullian[x] expressly affirms: "Illos dies jejuniis determinatos putâsse in quibus ablatus est sponsus, et hos esse jam solos legitimos jejuniorum christianorum;" "The catholics had no other days appointed for fastings, no other were the legitimate fasting-days for christians, (as they thought,) but only those in which the Bridegroom was taken from them."

16. But St. Irenæus said that some fast one day, some two, and others more. Some kept the whole six days of the passion week; we find mention made of it in Dionysius Alexandrinus,[y] about the two hundred and fifty-fifth year of Christ, τὰς ἓξ τῶν νηστειῶν ἡμέρας, "the six days of fasting;" but he affirms that all do not equally observe them. For some fast all the six days, some two, some three, some four, some none. But by Epiphanius's[z] time the fast had possessed the whole six days almost every where, τὰς ἓξ ἡμέρας τοῦ πάσχα ἐν ξηροφαγίᾳ διατελοῦσι πάντες οἱ λαοὶ, "all the people spend the six days of the Pasch, or before Easter, in dry diet;" but by this time the word τεσσαρακοστὴ, or "quadragesima," had prevailed, and was used to signify the Paschal fast. The word was used in the council of Nice, which commanded two synods every year to be held in the provinces, and the first of them to be ἐν Τεσσαρακοστῇ, "in the Quadragesima fast." But this did not signify the fast of forty days, for that was not yet brought into the church.

17. But first the matter is clear that the word "quadragesima" is often used in antiquity and by other good authors to signify a set time of fast, but plainly less than forty days. St. Jerome[a] says, that the Montanists do make "tres in anno quadragesimas," "three Lents:" and yet two of them were but of five days apiece, and whether the third was more or less we cannot tell: and this Tertullian[b] plainly affirms, who was himself a Montanist. And this thing also came into the practice of some catholics; for they did so too in the time of Amalarius,[c] they kept "tres quadragesima," "three quadragesimal fasts;" and yet that before Midsummer and that before Christmas were much shorter than forty days. The same word is several times used by Rabanus Maurus[d] and Durandus.[e] But that the use of the word may be no prejudice to the right understanding of the thing, we find the thing noted by Socrates,[f] and wondered at exceedingly, that since there was so great difference in the number of days, yet all alike called it Τεσσαρακοστὴν, or "the Quadragesimal fast." The same also we find in Sozomen,[g] noting that some did only observe three weeks of five days to the week, out of the number of the seven antepaschal weeks and yet nevertheless called it "Quadragesima:" and the same also we find in Nicephorus, who, I suppose, transcribed it from them: and in Cassian's[h] time, when the Lent fast came up to the number of thirty-six days, yet he still calls it the "Quadragesima" or "the forty days' fast:" and it is no wonder, if Rigaltius say true, that all the set and stationary fasts of the primitive christians were called "Quadragesimals." But the first use of the word is in the Nicene council, unless the words of Origen be allowed to be good record: but yet both in Origen and in the Nicene council, though the word be used, yet without any remark of the number of the days, or intimation of it, until the council of Laodicea,[i] which mentions more weeks than one in Lent, commanding to fast also upon "the Thursday of the last week in Lent." For by this time it was come to three weeks, in some places more, and in some less, as appears in Socrates, Sozomen, Cassian, and Nicephorus, above quoted.

18. But for the reason of the word "quadragesima" there are various conjectures. Cassian[k] says it is an imitation of Christ's fast of forty days, and so had the name from thence. But he adds some little cabalistical things of the number of forty in the Scripture, which are to no great purpose. But his first conjecture is not altogether unreasonable; and Rigaltius[l] makes use of it, saying, that the apostles having obliterated the Jewish fasts, to which Christ's forty days' fast put an end, and asserted us into liberty, they would, upon that day on which Christ wrought our liberty for us, "nailing the hand-

[u] Lib. de Jejun. cap. 14.
[x] Lib. de Jejun. cap. 2.
[y] Epist. can. ad Basil.
[z] Lib. 3. Exp. Fidei et Hæres. 75.
[a] Epist. 54. ad Marcel.
[b] Lib. de Jejun. cap. 15.
[c] Lib. de Offic. Eccles. cap. 37.
[d] Lib. 4. de Instit. Cleric. cap. 1.
[e] Lib. 6. Rational. de la 40mæ Domin.
[f] Hist. lib. 5. cap. 22.
[g] Lib. 7. cap. 19.
[h] In notis ad Tertull. de Jejun.
[i] A. D. 460. can. 50
[k] Collat. 21. cap. 28.
[l] Ubi supra.

writing of ordinances to his cross," consecrate a fast to the memorial of this great work of redemption for us; ut obliteratis Judæorum sabbatis jejunia sua christiani, quæ Domino suo tantula pro tantis offerrent, de jejunii Dominici spatio vocitarent;" "that the christians might call their fast by a name taken from the duration of the Lord's fast, that since they could not attain to that great fast, they might at least have it in venerable memory."—But this although it be ingenious and pretty, yet it is something violent, and hath no warrant from antiquity; and the question is better answered from the words of Irenæus in Eusebius, who says that they who kept the Paschal fast would, some of them, produce the fast to forty hours: now the whole fast being in memory of the Bridegroom's being taken away, and he having been absent, as they computed it, forty hours, this proportion did better carry the analogy, and therefore easily carried away the name, and a quadragesimal of hours is as proper as a quadragesimal of days, and hath a better warranty than any other conjecture. But this I remarked before.

19. But afterwards the number of weeks increased: it came in some places to six and seven weeks: so Cassian.[m] But it was "diverso more," for some would fast Saturdays, and some would not; but they made it but to be thirty-six days however: so we find in St. Gregory,[n] that forty-two days were the appointment of Lent, but taking away the Sundays, six-and-thirty days remain for fasting. But, in all this whole affair, there was nothing yet universally determined by any law of the universal church. "For in Rome, about the year 437, they fasted but three weeks before Easter, and out of them they excepted Saturdays and Sundays.[o] But in Illyricum, in Greece, and Alexandria, they begin their Lenten fast above six weeks before Easter. Others begin seven weeks before Easter, but fast by intervals, and observe but fifteen days in all; and yet all call this the Quadragesimal fast:" so Socrates.[p] And St. Chrysostom says it was the custom against Easter to ask every one, how many weeks he had fasted; and you should hear some answering two, some three, some all. For at Constantinople the Lent was longest; it was of seven weeks there and all up unto Phœnicia, as Sozomen[q] and Nicephorus[r] report: but all this while with liberty, by custom, and without a law. St. Austin[s] tells, that in some places, they would not fast the Thursdays in Lent: indeed the council of Laodicea had commanded they should, but that was but provincial, and did not oblige, and was not received every where: and that saying which is reported out of the Constitutions of St. Clement, might prevail as far, "jejunium quintæ hypocritarum est." But at Rome this was then observed, they did not fast on Thursdays, nor yet on Tuesdays, or they might choose: so we find in St. Leo[t] exhorting them to the Monday, Wednesday, Friday, and Saturday fast, and on Saturday to watch beside. And because of the defalcation of these days in every week, some that were very zealous, made up the Lent to be eight weeks, and began it on Sexagesima Sunday; but at last it settled upon Ash Wednesday, and hath endured so to this day in many of the western churches.

20. Now if all this be not sufficient to prove, that the forty days' fast of Lent was not a canon or institution apostolical, I cannot tell by what measures the question can be filled: and if the apostles were the authors of it, yet because the churches kept themselves in great liberty and variety, it is certain, that, if they did so still, there would be no diminution to religion. For the use of it being wholly for preparation to the Easter communion, and the setting apart some portion of our time for God's service, it can then only be of use, when it ministers to such ends with an advantage so great as to recompense the trouble, and so material as to quit it from a vain observance. But how it can be enjoined and how it ought to be practised, I shall consider in the inquiries concerning the condition of ecclesiastical laws. Here I was only to quit the conscience of this snare, which is laid for her by some unskilful fowlers, and to represent that the apostles did not, by any rule or canon, oblige the christian churches.

21. That which remains is this, that we consider that it is, and ought to be, no prejudice to this liberty, that St. Jerome calls Lent "an apostolical tradition." For it was very easy for them who loved the institution, and knew it very ancient, and that the custom of it did descend from apostolical persons, to call it "a tradition apostolical." It is no wrong to St. Jerome, if we think he did so here: for he did as much as this comes to, in the question of the Saturday's fast; for in his epistle to Lucinus he says, "Unaquoque provincia abundet in sensu suo, et præcepta majorum leges apostolicas arbitretur;" "Let every province abound in their own sense, and suppose the precepts of their ancestors to be apostolical laws." But that the churches had no such law upon them, but were at liberty, appears from all the premises; which I sum up with the words of St. Austin:[u] "The christians, not that the meats are unclean, but for mortification, do abstain from flesh and fruits; some few always, or else at certain times: 'sicut per quadragesimam fere omnes, quanto magis quisque vel minus voluerit, seu potuerit;' 'as in Lent almost all men, more or less, according as every man is able, or as every man is willing.'"

22. He that desires to see more particulars concerning the history, the original, the variety, and increase, of Lent, may, if he please, read them in Cassian, in Amalarius, Alcuinus, and Rabanus, of old,—and of late, in Durandus, in Hugo Menardus's (a benedictine) notes in Gregor. Sacramentarium, in Petavius's notes upon Epiphanius, Rigaltius upon

[m] Collat. 21. cap. 27. [n] Lib. 40. Homil. hom. 16.
[o] Hæc clausula inseritur in loco non suo: oportuit enim post narrationem de ecclesiis Græca et Alexandrina interseri. Videat lector Hugonem Menardum in notis ad Gregor. Sacram. qui etiam aliter emendat hunc locum satis mendosum.
[p] Lib. 5. cap. 22. homil. 16. ad Antioch.
[q] Lib. 5. cap. 10. [r] Lib. 12. cap. 34.
[s] Epist. 118. ad Januar. [t] Serm. 4. de 40ma.
[u] Contr. Faustum Manich. lib. 30. cap. 5.

Tertullian, Scaliger's admirable animadversions upon Eusebius, in that excellent epistle of Erasmus to the Bishop of Basil de "Interdicto Esu Carnium," in Delaunoy, Filesac, and Daille.[x] Out of these any man may satisfy his curiosity; I have endeavoured only to satisfy the conscience.

23. Concerning the weekly fasts of Friday and Saturday, the former of them is of great antiquity in the church, as being in use in Tertullian's time, and without variety always observed after it once began. We find the Wednesday and Friday fast mentioned by Clemens Alexandrinus,[y] and the Wednesday station is equally in Tertullian. But the Saturday fast was, for some ages, counted abominable in the whole church; but it came into the Latin church in time, but with so much scandal to the Greeks, that, in the year of our Lord 707, they excommunicated them that fasted on the Saturday, and to this day persevere in the same mind. But that neither one nor the other was of apostolical institution, is, of itself, clear by the consequence of the former discourse concerning Lent; the apostles having made no laws concerning fasting days, as I have made apparent. The Rogation fast all the world knows was instituted by Mamercus bishop of Vienna: and as for the Ember-weeks, they can pretend to no antiquity that is primitive, and rely for their authority upon a spurious epistle of Pope Calixtus, which is pretended to have been written about the year 221, and which is abundantly detected of forgery by many persons, but especially by Mr. Blondel. Tertullian's words are a hatchet to cut off all fasting days from pretending to apostolical authority, affirming that the Montanists did fast but two weeks in the whole year, and in them not on Saturdays and Sundays, (though St. Jerome is pleased to lay three Lents to their charge,) and that the catholics blamed them for imposing so much; but themselves did fast only upon those days the Bridegroom was taken from them, that is, the paschal fast; that they did sometimes interpose half-fasts, and live on bread and water for some time, but "ut cuique videbatur, hæc ex arbitrio agentes, non ex imperio;" "as every man saw cause, doing these things by choice and not by command."[z]

24. The result of this discourse is this,—that the apostles did not lay a yoke upon the disciples' neck in the matter of fasting, much less in the forty days' fast of Lent; that, as in relation to the apostles, the conscience is at liberty.—Now whether or no any positive constitution of the rulers of our churches can or do oblige the conscience to the observation of Lent, and how far, I shall consider in the next paragraph of this chapter.

[x] De Jejuniis et Quadragesima.
[y] Stromat. 7.
[z] Contra Psych. cap. 2. 13, 15.

RULE XIV.

The Canons of the ancient general and provincial Councils are then Laws to the Conscience, when they are bound upon us by the Authority of the respective Governors of Churches.

1. A GENERAL council is nothing but the union of all the ecclesiastical power in the world. The authority of a general council in matters of government and discipline is no greater, no more obligatory, than the authority of a provincial council to those who are under it. A general council obliges more countries and more diocesses, but it obliges them no more than the civil and ecclesiastic power obliges them at home. A general council is a union of government, a consent of princes and bishops, and in that every one agrees to govern by the measures to which there they do consent: and the consent of opinions adds moment to the laws, and reverence to the sanction; and it must prevail against more objections than provincial decrees, because of the advantage of wisdom and consultation which is supposed to be there; but the whole power of obligation is derived from the authority at home. That is, if twenty princes meet together and all their bishops, and agree how they will have their churches governed, those princes which are there, and those bishops which have consented, are bound by their own act: and to it they must stand till the reason alters, or a contrary or a better does intervene; but the prince can as much alter that law, when the case alters, as he can abrogate any other law, to which he hath consented. But those princes which were not there, whatever the cause of their absence be, are not obliged by that general council; and that council can have no authority but what is given them by consent; and therefore they who have not consented are free as ever.

2. The council of Florence, (so called because though it was begun at Ferrara, yet it was ended there,) Pope Clement VII. calls the "eighth" general council in his bull of April 22, 1527; yet others[a] call it the sixteenth: but it was never received in France, as Panormitan[b] tells us: for the king of France did forbid, expressly and upon great penalties, that any of his subjects should go to Ferrara to celebrate that council; and after it had been celebrated, and Charles VII. was desired by Pope Eugenius to accept it, he told the legates plainly, that "he had never taken it for a council, and he never would." The council of Basil, though the king of France had sent his ambassadors thither, and had received it as a council, yet he approved it but in part; for he rejected the last thirteen sessions, and approved only the first two-and-thirty; some of them as they lie, others with certain forms and qualifications; and this was done "to fit and accommodate them to the exigencies of the times, and

[a] Vide Surium in epist. ad lectorem, ante concil. Ferrar. tom. 4. concil.
[b] In Tract. de concil. Basil. circa princ. p. 6. Vide etiam Nicolaum de Clemangiis. Vide proœmium Pragmat. Sanct.

places, and persons," saith Benedict,[c] a French lawyer. And upon the like accounts the last council of Lateran is there rejected also. Thus, in England, we accept of the council of Trent; and excepting the four first general councils, which are established into a law by the king and parliament, there is no other council at all of use in England, save only to entertain scholars in their arguments, and to be made use of in matters of fact, by them to understand the stories of the church. Where any thing else is received into custom and practice of law, it binds by our reception, not by its own natural force.

3. But I have already spoken sufficiently of this thing.[d] I now only mention it to the purpose, that those religious and well-meaning persons,—who are concluded by the canon of an ancient council, and think that whatever was there commanded, lays some obligation upon the consciences of us at this day, and by this means enter into infinite scruples and a restless and unsatisfied condition,—may consider, that the ancient doctors of the church had no jurisdiction over us, who were born so many ages after them: that even then, when they were made, they had their authority wholly from princes and consent of nations; that things and reasons, that jurisdictions and governments, that churches and diocesses, that interests and manners, are infinitely altered since that time; that since the authority of those fathers could not be permanent and abide longer than their lives, it being certainly not greater than that of kings, which must needs die with their persons, that their successors may be kings as well as they, and not be subjects of the dead, the efficacy of their rules must descend upon succession by a succeeding authority; that therefore they prevail upon us by a new force, by that which is intrinsical to them; and therefore in such cases we are to inquire whether the thing be good; and if it be, we may use it with liberty, till we be restrained,—but we may also choose; for then we are to inquire, whether the thing be a law in that government, to which we owe obedience. For that the fathers met at Laodicea, at Antioch, at Nice, at Gangra, a thousand, eleven hundred, or thirteen hundred, years ago, should have authority over us in England so many ages after, is so infinitely unreasonable, that none but the fearful and the unbelievers, the scrupulous and those who are δοῦλος τῇ φύσει, "of a slavish nature," and are in bondage by their fear, and know not how to "stand in that liberty, by which Christ hath made them free,"—will account themselves in subjection to them. If, upon this account, the rulers of churches will introduce any pious, just, and warrantable canon, we are to obey in all things, where they have power to command; but the canon, for being in the old codes of the church, binds us no more than the laws of Constantine.

[c] Guil. Benedict. in repetit. cap. Raynutius.
[d] Chapter 3. rule 7. and chapter 4. rule 5.

RULE XV.

The laudable Customs of the Catholic Church, which are in present Observation, do oblige the Conscience of all Christians.

1. This we have from St. Paul, who reproves the contumacy and regardless comport of those who, against the usages of christians and the places where they lived, would wear long hair: "We have no such customs, nor the churches of God." In such cases where there is no law, the manners of christians introduce a law so far, that we cannot recede from it without some probable cause; or if we do, we cannot do it without scandal and reproach. And indeed it is an act of love to conform to the customs of christians with whom we do converse, who either will think you blame their custom, or despise their persons, if you comply not. St. Austin[e] gave his advice to the same purpose; "In his rebus de quibus nihil certi tradit Scriptura Divina, mos populi Dei vel statuta majorum pro lege tenenda sunt. Et sicut prævaricatores divinarum legum, ita contemptores ecclesiasticarum consuetudinum coercendi sunt:" "If the Holy Scriptures have not interposed in the particular, we must keep the customs and decrees of our ancestors as a law: and as they that prevaricate the Divine laws, are to be restrained, so are all they that despise the customs of the church." —It is a catholic custom, that they who receive the holy communion, should receive it fasting. This is not a duty commanded by God: but unless it be necessary to eat, he that despises this custom, gives nothing but the testimony of an evil mind.

2. But this is first to be understood in such customs as are laudable, that is, such which have no suspicion or moral reproach upon them, such which are reasonable and fit for wise and sober persons. It was a custom of the primitive church, at least in some places, not to touch the earth with the bare foot within the octaves of Easter: this was a trifle, and tending to fantastic opinions and superstitious fancies, and therefore is not to be drawn into imitation; only so long as it did remain, every man was to take care he gave no offence to weak persons, but he was to endeavour to alter it by all fair means and usages. It was a custom in many churches anciently, and not long since in the church of England, that in cases of the infants' extreme danger, the midwives did baptize them. This custom came in at a wrong door, it leaned upon a false and superstitious opinion; and they thought it better to invade the priests' office, than to trust God with the souls, which he made with his own hands and redeemed with his Son's blood. But this custom was not to be followed, if it had still continued; for even then they confessed it was sin, "factum valet, fieri non debuit;" and evil ought not to be done for a good end. "Quod si à mulieribus baptizari oporteret, profecto Christus à matre baptizatus esset, et non à Joanne: aut cum nos misit ad baptizandum, misisset mulieres

[e] Epist. 76. ad Casulanum Presbyter.

nobiscum ad hoc: nunc vero nusquam neque jussit Dominus, neque per Scripturam tradidit, utpote qui naturæ convenientiam et rei decorum nosset, tanquam naturæ auctor et legislator," said the author of the Constitutions under the name of St. Clement:[f] "If women might be suffered to baptize, Christ need not have gone to St. John, but might have been baptized by his mother; and Christ would have sent women along with the apostles, when he gave them commission to preach and to baptize. But now our Lord hath neither commanded any such thing by his word, or in Scripture; for the Author and Lawgiver of nature knew what was agreeable and decent for their nature."—To this agrees that of Tertullian;[g] "Non permittitur mulieri in ecclesiâ loqui, sed nec docere, nec tingere, nec offerre, nec ullius virilis muneris nedum sacerdotalis, officii sortem sibi vendicare;" "A woman is not permitted to speak in the church, nor to teach, nor to baptize, nor to offer, nor to do the office of a man, much less of a priest."[h] This custom therefore is of the nature of those, which are to be laid aside. Οὐδεὶς βαπτίζει εἰ μὴ χειροτονίαν ἔχει, "No man baptizes but he that is in holy orders," said Simeon of Thessalonica; and I think he said truly. But above all things, opinions are not to be taken up by custom, and reduced to practice: not only because custom is no good warranty for opinions, and "voluntas fertur carere oculis, intellectus pedibus," "the will hath no eyes, and the understanding hath no feet;" that is, it can do nothing without the will, and the will must do nothing without that; they are a blind man and a lame, when they are asunder; but when they are together, they make up a sound man, while the one gives reason, and the other gives command: but besides this, when an opinion is offered only by the hand of custom, it is commonly a sign of a bad cause, and that there is nothing else to be said for it; and therefore it was a weakness in Salmeron[i] to offer to persuade us to entertain the doctrine and practice of indulgences, purgatory, invocation of saints, images, and the like, because they are customs of the church, meaning his own.

3. (2.) This is to be understood also of the customs of the catholic church. For if the churches differ, it is indifferent to take either or neither, as it may happen. Clemens Alexandrinus[k] said it was a wickedness to pull the beard, because it is our natural, it is a generous and an ingenuous ornament: and yet Gregory VII.[l] bishop of Rome, made Archbishop James shave his beard close, pretending that it had been always a custom in the western churches; "Consuetudini sanctæ obedire coegimus," "We have constrained him to obey the holy custom." In such cases, where several churches have several usages, every church is to follow her own custom, and every of her subjects to obey it.

4. (3.) Though every subject is tied to the custom of his own church, yet he is not to give offence, when he converses with another church, that hath a differing custom: according to that rule and example of St. Ambrose;[m] "Quando hic sum, non jejuno sabbato; quando Romæ sum jejuno sabbato: et ad quamcunque ecclesiam veneritis, ejus morem servate, si pati scandalum non ultis aut facere;" "When I am at Milan, I do not fast on the Saturday; when I am at Rome, I do: and to whatsoever church you shall come, keep the custom of that church, if ye will neither give nor receive offence."—And these words St. Austin[n] made use of to this very purpose: "Totum hoc genus liberas habet observationes, nec disciplina ulla est in his melior gravi prudentique christiano, quam ut eo modo agat quo agere viderit ecclesiam, ad quamcunque forte devenerit." The best way is to do as that church does where you happen to be. And in the same instance St. Jerome gave answer to Lucinus: "Servandam esse propriæ ecclesiæ consuetudinem," "The custom of the place of our own church is to be observed." And therefore, at Milan it is counted a violation of their rights, when the Roman priests come into the Ambrosian churches, and do refuse the missal of St. Ambrose, but use the Roman. It is a custom in the church of England to uncover the head, or to bow the knee, when the name of Jesus is named: the custom is not only innocent but pious, and agreeable to the duty of every christian, and therefore, abstracting from the injunction, the custom itself is sufficient to exact conformity of all modest persons. But if a son of the church of England shall come into other protestant churches who use it not, he is to comply with them in the omission, unless himself be persuaded that it is a Divine commandment; and yet even then also, the specification and the circumstances of time and place may be undetermined, and leave him in a capacity to comply for a time, and in a limited place.

5. (4.) It is required, that the custom be of present observation, or else it does not oblige the conscience. Thus it is a custom of the catholic church, that, at the baptizing of infants, there be godfathers and godmothers. This custom is still of use in the church of England: and although much of the reason for which they were first introduced is ceased, and the case altered; yet it is enough to every man that is a subject, that it is the custom: and therefore if any man shall dispute and prove that the thing itself is not now necessary, that is no warranty to him to omit it, so long as the custom is allowed and upheld, and is no evil. But if the custom be left in a church,—that it was a catholic custom, and of long use in the church, is of no obligation to the conscience. Socrates[o] tells that "omnes ubique in orbe terrarum ecclesiæ," "all the churches in the world, every week upon Saturday, celebrate the mysteries:" "Alexandrini tamen et Romani ex antiquâ traditione istud facere renuunt:" "But the churches of Alexandria and Rome refuse to do so, because they have an ancient tradition to the contrary." And in this they had their liberty. It was a long and a general custom in the church, upon all occasions and motions of solemnity or greater action, to make the sign of the cross in the air, on the

[f] Lib. 3. cap. 9.
[g] Lib. de Virg. Veland.
[h] See the Divine Institution of the Order and Offices Ministerial, sect. 4.
[i] Disput. 18. in 1 Cor. xi.
[k] Lib. 3. Pædagog. cap. 3.
[l] Lib. 8. Regist. epist. 10.
[m] Epist. 86.
[n] Epist. 118.
[o] Lib. 5. Hist. cap. 21.

breast, or on the forehead; but he that, in England, should do so upon pretence, because it was a catholic custom, would be ridiculous. For a custom obliges by being a custom amongst them, with whom we do converse, and to whom, in charity and prudence, we are to comply: and therefore to an action, that was a custom there, where it is not a custom, must be done upon some other reason than because it is a custom; or else it is done because there is no reason. It was a custom of the catholic church to reserve infants, all the year, till Easter, to be baptized; except it were in cases of necessity or great danger: but "we have no such custom now, nor the churches of God;" and therefore to think we are bound to comply with that or any such custom, is to make ourselves too fond admirers of the actions, and more than servants to the sentences and customs, of ancient churches.

6. (5.) An ecclesiastical custom against an ecclesiastical law does not oblige the conscience. It does, in many cases, excuse, but when there is no scandal accidentally emerging, it never binds us to follow it. I say, it can excuse from penalty, then when the ecclesiastical law hath been neglected, because the governors are presumed to do their duty; and therefore if they who made the law, suffer it to be commonly broken, it is to be supposed they are willing the law should die: and this is the sense of that in the comedy;[p] "Mores leges perduxerunt jam in potestatem suam," customs give limit to laws; and they bind according as the manners of men are. And this the lawyers extend even to a custom that is against the law of God. So the presidents of Sena,[q] at the entry into their office, take an oath in form that they will never receive bribes; and yet they do so, and are known to do so, and, because of the general custom, are never punished: and much of the same nature are the oaths taken at the matriculations and admissions into universities and offices respectively, concerning which it were very well there were some remedy or prevention. But if it can be understood, that the lawgiver intends the law should be in force, and that the negligence of his ministers, or the stubborn and uncomplying nature of the subjects, is the cause of the want of discipline; then the conscience is obliged to the law, and not excused by the custom.[r] And yet further, when the law is called upon, then although there be a custom in the church against the canon, it neither preserves from sin, nor rescues from punishment: "Quia lex derogat consuetudini," say the lawyers; when the law is alive, the custom is dead, because the custom took its life from diminution of the law; and when there is a law actually called upon, the custom to the contrary is a direct evil, and that against which the law is intended, and which the law did intend to remedy. The church hath made laws, that no man shall fast upon the Lord's day, nor the great festivals of the year: if a custom of fasting upon Christmas day should, in evil and peevish times, prevail, and the law be unable or unwilling to chastise it, but suffer it to grow into evil manners; when the law is again warm and refreshed, and calls for obedience, the contrary custom is not to be pretended against the law, but to be repented of. In the church of England there is a law, that when children are baptized, they shall be dipped in the water; only if they be sick, it shall be sufficient that it be sprinkled upon them: but yet the custom of sprinkling all does prevail. In this case we are to stand to the law, not to the custom, because the law is still in force, and is actually intended to prevail according to the mind of the church, and it is more agreeable with the practice, the laws, and customs, of the primitive church, and to the practice of Christ and his apostles. But of this I shall speak again in some of the following numbers.

7. (6.) An ecclesiastical custom must be reasonable or useful, or it cannot oblige the conscience, except to avoid scandal, for that is in all things carefully to be observed, right or wrong, so it be not a sin against God; customs must be kept, when the breaking them is scandalous. But excepting this case, an unreasonable custom does not oblige. For no man is bound to be a fool, or to do a foolish action. Now a custom in the canon law is concluded to be reasonable, if it tends to the good of the soul. In the civil law it is allowed to be reasonable, if it tends to any public good. Thus it is a custom, that judges should wear their robes upon their seats of judicature; that the clergy wear blacks. "Doctores portant variam, quia habitus virum ostendit," saith the law,[s] and that priest were a strange, peevish, or a weak person, who should choose to wear gray, because there is no religion in the colour: his religion in this would have nothing else: and though these things tend not to the good of the soul, yet they tend to the good of the public; they distinguish men, that honour may be given to them to whom honour belongs.

8. For it is considerable, what the wiser lawyers say, 1. That a custom is good, if it contains "bonum honestum," "any honesty" or matter of public reputation. Thus it is a custom, that civil persons should not walk late in the night, but be in their houses at seasonable times; it is a good custom, that bishops and priests abstain from going to taverns: this custom is reasonable, and therefore does oblige those that are concerned in it. 2. A custom is good, if it contains "bonum commune," if it be for the "common good:" and of this sort there are many customs, in every nation, which are passed into laws, as that, in the cause of dowries, the judge should proceed summarily; that a fact be tried in the country where it was done; that when any man is accused, he should have his accusers brought before his face. And thus also, in the laws ecclesiastical, there are very many of this nature; as, that when bishops visit their churches, there be allowance of procurations and synodals, and aptness for their entertainment; that when we see a bishop, we beg

[p] Plaut. Trinum.
[q] Baldus in lib. Observare. sect. Proficisci, circa fin. ff. de Officio Proconsul. et Leg.

[r] See the sixth rule of the last chapter of this book.
[s] L. Stigmata, C. de Fabri.

his blessing; that when we come to a city, we first go to the cathedral to pray, then to the bishop to be blessed and prayed for; that the contract of marriage be publicly solemnized in churches after three publications; that children ask their parents' benediction: these things are of public use, for the advancing of a necessary duty, for the mutual endearment of relatives, for the establishment of piety, for the conciliating authority, and to many other good purposes, which whosoever can advance by the keeping of a custom, and complying with the manners of the church where he lives, is not to be excused, if he will be stubborn and singular and proud. 3. Baldus [t] says, "Bona est consuetudo quæ continet bonum honorabile;" "It is a good custom, that gives honour and regard to whom it is due."—Thus it is a custom, that the consecration of bishops should be in public churches; that the degree of doctor, because it is an honour, be not conferred sneakingly and in conventicles. And upon this account, when any custom is honourable to religion or to a mystery, it is not to be omitted, because the custom is good, and, in some proportions, ministers to religion and its advantage.

9. Thus the ministers of religion, when they officiate, are, by an immemorial custom, vested in albes or surplices: it was intended as an honour to the religion, because the white and the purple colours are the ensigns of civil and ecclesiastical dignity respectively, and are in honour to each other alternately indulged, and kings wear albes, and bishops and judges wear purple; and our blessed Saviour was pleased to call it the glory of Solomon, when he was clothed in the purest linen of Egypt, whose whiteness, though very bright, yet it fell short of the natural whiteness of the lily. Glory is nothing but the excess and greatness of honour, and therefore these garments, which were glorious upon Solomon, at least were given to the religious as ensigns of honour: the same which the epigram says of the purple mantle, which was stolen from Crispinus,

Quisquis habes, humeris sua munera redde, precamur:
Non hoc Crispinus te, sed abolla rogat.
Non quicunque capit saturatas murice vestes:
Nec nisi deliciis convenit iste color. [u]

Such garments are not fit for every shoulder, they are marks of honour, and the delicacies of the greatest and the worthiest men. But that the white garment was given to religion, it had, besides the honour to the persons, the [x] signification and emblem of a precept: it signified purity and truth, which, in Philostratus, in the image of Amphiaraus is said to be clothed with garments of snow, and covered with the purest whiteness; Clemens Alexandrinus [y] writes, that Cæus the sophister, in the description of virtue and vice, described virtue in a white robe; and so does [z] Themistius invest truth, sitting upon an adamant, holding a bright splendour in her hand, and clothed with an albe. Concerning this, St. Clement of Alexandria [a] spake much, even as much as the thing itself will bear: for it being nothing but the colour of a garment, is not proved to be necessary, and therefore not to be valued in such a quality: but yet neither is the custom of that colour to be despised, because that colour is a good emblem, and hath as much advantage as a colour can have; and therefore there can be no reason to despise the thing, or peevishly to go against the custom, where it is quitted from abuse. But I shall add this to it, which is warranty enough for the church's choice, that the primitive christians, who were free enough from any superstitious fancy concerning it, did nevertheless particularly affect and choose this colour. They saw that the saints in the Revelation had λευκὰ ἱμάτια, "white garments," and they were dipped in the blood of the Lamb; and St. Anthony, to represent himself a christian, did go in white, as St. Athanasius tells of him. Eunapius [b] tells that the monks in Egypt went in black; and that many christians that lived in other places did so too, for modesty's sake and gravity, in humility and abjection, who please, may see demonstrated by many instances in Baronius; [c] and that is a good precedent to warrant the custom of the ordinary clergy-habit. But yet it is evident, that very many christians were pleased rather to use the simple and native colour of truth, the emblem of purity; and Synesius [d] writing to one John the monk that chose to go in a black coat, writes that which is enough to be said in this whole affair; "Atqui nihilo deterius erat, si candida foret: splendidissimæ quippe naturæ dicatum ac consecratum id potius fuerit, quod in his quæ sensu percipiuntur, purius atque lucidius est. Sed si pullum ideo colorem probâsti, quod id aliorum, qui ante te usurpârunt, imitatione feceris; laudo quicquid Dei causâ suscipitur:" "But it had been no worse if you had chosen the white, as that which is agreeable to the nature of splendour and purity, and brighter and purer to the eyes. But if you choose the black garment, because it was the custom of others that went before you, it is well; I commend any thing that is done for God, and for the cause of piety."—"Colorem album Deo maxime decorum," said Cicero: [e] "quod sit index puritatis et nitelæ, omnemque fucum excludat veritate nativa contentus;" "The white garment is most comely for religion, as being content with its native simplicity, and an indication of brightness and purity." Upon this account it is a custom of clothing the bodies of the dead in white; "for they that are dead, are justified from sin," and they are candidates of immortality. [f] But, it may be, this was too much to be said of so small a thing: I instanced in this, to show that this colour was intended for an exterior honour to religion, and that is sufficient, say the lawyers, to make a custom reasonable; and, if it be reasonable, it must be complied with.

10. (7.) A custom whose reason is not known, yet if

[t] C. Si judex laicus de sent. excommunicat. lib. 6.
[u] Martial. lib. 8. epigr. 48.
[x] Vide Lilium. Giraldum Syntag. 1. Deorum, titulo de Diis ex humanis actionibus: et Chartarium lib. de Deorum Imaginibus.
[y] Lib. 2. Pædag. cap. 10. [z] Orat. 3. sub finem.
[a] Ubi suprà, et lib. 3. c. 11. [b] Sub finem Vitæ Ædesii.
[c] An. Dom. 57. n. 77. [d] Epist. 146. [e] Lib. 2. de Leg.
[f] Videat lector, si placeat, Plutarchum, lib. de Iside sub initium, et 26. Rom. quæst. et Theodor. orat. 1. de Provid. et Eliam Cretensem in Nazian. orat. 4. in initio, Arrianum, lib. 3. cap. 1. et Philon. Jud. lib. de Plantat. Noe.

it be of an immemorial time, and does transmit a right to ecclesiastical persons, is not, without great reason and evident necessity or public utility, to be refused. Thus it is a custom in the church of England, that certain rights be paid to the rector of the church, if the corpse be interred in the chancel: and though, in some places, this did run into great abuse, which was excellently reproved by that learned and good man Sir Henry Spelman, ὁ μακαρίτης, in his learned and pious tract "de Sepulturâ;" yet the thing was not wholly to be blamed for the abuse' sake, and the rights of any man are not easily to be snatched away, because he cannot prove how he came by them, if he have had them long in possession. The thing was to have been reformed; but not after the new manner, that is, wholly taken away. "Consuetudo, cujus initii memoria non sit, in contrarium præsumitur rationabilis," say Gemininanus, Cardinal Alexander, and Panormitan; and they instance in a prelate receiving money beyond his procurations in his visitation. For though the reason of it be not now known, yet it is presumed at first, there was a reason; and though we have lost the record, yet he must not lose his right; unless that right of his be manifestly other men's wrong. But this instance is to be understood so, that the sepulture be first performed, and the charity and the ecclesiastical right be done to the dead; for these things cannot be contracted for: but when the piety is performed, the oblations of the faithful which at first were voluntary, and afterwards came into custom, and so transferred a right, may be received by the rector, but must not be detained by the heir. Here in Ireland, there is a custom of receiving oblations at the baptism of infants; but if the priest refuses to baptize the child till he be secured of the money, he is a direct simoniac, for he contracts and takes a price for the sacrament: but if he confer the sacrament, to which he is tied by his charge and by the laws of God and man, then afterwards he hath a right to the oblation, which, by law or custom, was to be given. But the office is to be done without it: for the infant hath a right to the sacrament, before the priest hath a right to the offering; and that came in by the laws of God,—this, by the customs of men.

11. (8.) A custom ecclesiastical, that is but of a legal and presumed reasonableness, does oblige us to a conformity. I call that a legal or presumed reasonableness, when the law in certain cases does suppose it reasonable; and though it be not known to be naturally or precisely so, yet because it is not known to be unreasonable, but there is a probability to conjecture, that it entered upon a right cause, it is permitted and allowed. This happens in two cases. The first is, when a custom is besides the law, and not against it. For if it be against a law, it ought not to prevail at all, unless it be precisely reasonable; that is, unless the law, in the changing of affairs, or in itself at first, be unreasonable; for in that case, a custom that is naturally reasonable, may be admitted; and, if it be, must be observed. But if it be only besides the law, and not against it, then it is presumed to be reasonable, "hoc ipso quod introducta est," say the doctors, "therefore because it is introduced:" and the reason is, because every thing is presumed to be reasonable, that is done generally, unless it be known to be unreasonable; and the very interests of peace, and the reputation and honour of mankind, require this, without any more inquiry; save only that this be added,—that if the custom, introduced besides law, be either universal, or of an immemorial beginning, the law presumes the more strongly of the reasonableness of it; and therefore, in these cases, it ought to prevail the rather. For to this sense is that rule of St. Austin;[g] "Illa quæ non scripta sed tradita custodimus, quæ quidem toto terrarum orbe observantur, dantur intelligi vel ab ipsis apostolis, vel plenariis conciliis, quorum est in ecclesiâ saluberrima auctoritas, commendata atque statuta retineri:" "Those things which are delivered to us not by writing, but by tradition, [or custom,] which are observed in all the world, we understand them to be either retained by the appointment or commendation of the apostles, or some general councils, whose authority in the church is of great use." That is, when the custom is universal and immemorial. For the first we presume it to be very reasonable, it could not else have easily prevailed upon the whole church: and for the second, we suppose it to have had a very good beginning; for it adds moments to the custom, that, when we know nothing to the contrary, we presume the best of its original. Not that we ought to conclude or to believe a custom to have come from the apostles, if it be universal or immemorial; but that we ought to regard and reverence it as if it did, because we know not, in some cases, whether it did or no. But if it be either one or other, it is sufficient to oblige us to retain it, or to comply with it so long as it is retained. Thus the solemn days of Rogation, which we observe in the church of England, were not of an immemorial beginning; for they were first used by the bishop of Vienna, Mamertus, Isicius, and Avitus; but yet they were quickly universal, "non per Gallias tantummodo, sed pene per totum orbem," "not only in France, but in almost all the world," said Alcimus Avitus,[h] in his time: and therefore this custom is not to be neglected by any single person, where the church still retains it; for this is sufficient to make a legal presumption of its reasonableness.

The other case is, that a custom is presumed reasonable, when the nature of it is such, that it can have no positive and natural unreasonableness, but is capable of some extrinsic and accidental decency and fittingness. The custom that is actually in the practice and manners of a church, is presumed reasonable; and this is of use but in small matters, but yet such which little and great men sometimes make great matters of; I mean, presidences and priorities of place, sittings in the choir, precedences in councils. Now in these cases, custom ought to prevail; for where there is no reason in the thing, there custom is a reason sufficient; and if a law ought to prevail, though there be no reason known for it, then so must custom, because this is esteemed as a

[g] Epist. 118. cap. 1. [h] Homil. de Rogat.

law.[1] And it is remarkable, that although in the introducing of a custom, it concerns the governors of churches to take care that it be reasonable; yet when it is introduced, that care is over; and then they are to take care to keep unity and to avoid scandal. "Præstat illic esse, ubi nihil licet quam ubi omnia," said one. It is better to be under a tyranny than under an anarchy: it is better to be too much restrained than to be too loose; and if a custom hath seized upon us, it is better to stand still under that arrest, than to break the gentlest cords of a man, and enter into licentiousness. "Perniciosior temeritas quam quies." It is not good to move any stirs in a quiet church, for certainly peace is better than that, which is only a little better than a custom. And we see it by a sad experience, that those who are enemies, and stubborn to the innocent customs of a church, intend nothing but to get the government into their own hands. "Genus hominum, potentibus infidum, sperantibus fallax;" as Tacitus said of the astrologers, we have too much reason to say of them, "They are a sort of men that deceive their own confidants, and are no sure friends to their superiors;" for to disavow customs is a greater dishonour to the government, and a reproach to the ministry of laws; and to their disciples they preach liberty, that themselves only may rule them absolutely. "Quanto majore libertatis imagine teguntur, tanto eruptura ad infensius servitium;" Tacitus said it of such persons: by the exempting fools from the just rule of their superiors, they make them their own slaves. But to rebel against the customs of a church, is accusation not only of the rulers, but a condemnation of the whole society of the faithful.

12. (9.) A custom in the administration of a sacrament, introduced against the analogy and mystery, the purpose and signification of it, ought not to be complied with. I instanced before in a custom of the church of England, of sprinkling water upon infants in their baptism; and I promised to consider it again. "Baptizabant enim veteres, non manibus suis aquam baptizando aspergentes, sed trinâ immersione hoc evangelii sequentes, Ascendit ex aquâ, ergo descenderat. Ecce immersio, non aspersio;" said Jeremy[k] the patriarch of Constantinople: "Straightway Jesus went up out of the water (saith the gospel); He came up, therefore he went down. Behold an immersion, not an aspersion." And the ancient churches, following this of the gospel, did not, in their baptisms, sprinkle water with their hands, but immerged the catechumen or the infant. And therefore we find in the records of the church, that the persons to be baptized were quite naked, as is to be seen in many places, particularly in the eleventh Mystagogic catechism of St. Cyril of Jerusalem;—and St. Dionysius[l] describes the ritual in the same manner: "The bishop puts his hand upon the catechumen's head, and giving a sign to the priests, commands that they write the name of the catechumen and of his godfather; which being written, he says the office or prayers; which when the whole church hath performed together with him, he divests him of his garments by the ministers." And the same thing out of the same author, is observed by Elias Cretensis, in his notes upon the fourth oration of St. Gregory Nazianzen, and is reported also by St. Ambrose in his tenth sermon. "Nudi in seculo nascimur, nudi etiam accedimus ad lavacrum;" "We are born naked, and naked we enter into the waters of baptism."—All which are a perfect conviction, that the custom of the ancient churches was not sprinkling, but immersion, in pursuance of the sense of the word in the commandment, and the example of our blessed Saviour. Now this was of so sacred account in their esteem, that they did not account it lawful to receive him into the clergy, who had been only sprinkled in his baptism; as we learn from the epistle of Cornelius to Fabius of Antioch;[m] Μὴ ἐξὸν ἦν τὸν ἐν κλίνῃ διὰ νόσον περιχυθέντα ὥσπερ καὶ οὗτος εἰς κλῆρόν τινα γενέσθαι, "It is not lawful that he, who was sprinkled in his bed by reason of sickness, should be admitted into holy orders." Nay, it went further than this; they were not sure that they were rightly christened, yea or no, who were only sprinkled; as appears in the same epistle of Cornelius in Eusebius, εἴγε χρὴ λέγειν τὸν τοιοῦτον εἰλῆφέναι, which Nicephorus thus renders, "if at least such a sprinkling may be called baptism;" and this was not only spoken in diminution of Novatus, and indignation against his person, for it was a formal and a solemn question made by Magnus[n] to St. Cyprian, "An habendi sint christiani legitimi, eo quod aquâ salutari non loti sunt, sed perfusi;" "Whether they are to be esteemed right christians, who were only sprinkled with water, and not washed or dipped." He answers, that the baptism was good when it was done "necessitate cogente, et Deo indulgentiam suam largiente;" "in the case of necessity, God pardoning and necessity compelling."—And this is the sense and law of the church of England; not that it be indifferent, but that all infants be dipped, except in the case of sickness, and then sprinkling is permitted. And of this sprinkling, besides what is implied in the former testimonies, there was some little use in the primitive church. "Quis enim tibi tam infidæ pœnitentiæ viro asperginem unam cujuslibet aquæ commodabit?" says Tertullian,[o] speaking to an impenitent person: "Who will afford thee so much as one single sprinkling of water?" meaning for his baptism. And Surius, in the life of St. Lawrence, tells, that as he was going to his martyrdom, one Romanus, a soldier, brought to him a pitcher of water, that he might be baptized of him, as he went: which, in that case, must needs have been done by pouring water upon him. "Fudit aquam super caput ejus:" so did St. Lawrence also to Lucillus, "he poured water upon his head." And Walafridus Strabo,[p] from these very examples, concludes, that in cases of necessity it is lawful to use sprinkling. He adds also, that it is lawful to do it when there is a

[1] Capit. Consuetudo l. dist. et l. de quibus, ff. de legibus.
[k] Resp. 2. cap. 4.
[l] Lib. de Eccl. Hierarch. cap. de Baptismo.
[m] Apud Euseb. lib. 6. cap. 43.
[n] Epist. 76.
[o] De Pœnit. cap. 6.
[p] De Rebus Eccl. cap. 26.

great multitude of persons at once to be baptized: and Aquinas supposes the apostles did so, when the three thousand, and when the five thousand, were at once converted and baptized. But this is but a conjecture, and hath no tradition and no record to warrant it; and therefore, although in cases of need and charity, the church of England does not want some good examples in the best times to countenance that permission, yet we are to follow her command, because that command is not only according to the meaning and intent of the word βαπτίζετε in the commandment, but agrees with the mystery of the sacrament itself: "for we are buried with him in baptism," saith the apostle. "In aquâ, tanquam in sepulchro, caput immergentibus, vetus homo sepelitur et submergiter; deinde nobis emergentibus; novus resurgit inde:" so St. Chrysostom;[q] "The old man is buried and drowned in the immersion under water; and when the baptized person is lifted up from the water, it represents the resurrection of the new man to newness of life." In this case, therefore, the contrary custom not only being against an ecclesiastical law, but against the analogy and mysterious signification of the sacrament, is not to be complied with, unless in such cases that can be, of themselves, sufficient to justify a liberty in a ritual and ceremony: that is, a case of necessity.

13. And of the same consideration it is, that the baptism be performed with a trine immersion, and not with one only. In England we have a custom of sprinkling, and that but once. To the sprinkling I have already spoken; but as to the number, though the church of England hath made no law, and therefore the custom of doing it once is the more indifferent and at liberty, yet if the trine immersion be agreeable to the analogy of the mystery, and the other be not, the custom ought not to prevail, and is not to be complied with, if the case be evident or declared. Now in this particular the sense of antiquity is clear. "Nam nec semel, sed ter ad singula nomina in personas singulas tingimur," saith Tertullian:[r] "Dehinc ter mergitamur," "We are thrice put under water, not once; at the mention of every person we are dipped."—The very same words we read in St. Jerome against the Luciferans. But more largely it is explicated by St. Ambrose.[s] "Thou wert asked, 'Dost thou believe in God the Father Almighty?' and thou didst say, 'I do believe:' and thou wert plunged, that is, buried. Thou wert asked again, 'Dost thou believe in our Lord Jesus Christ?' and thou saidst, 'I do believe:' and thou wert dipped or plunged; and therefore thou art buried together with Christ. The third time thou wert asked, 'Dost thou believe in the Holy Spirit?' and thou saidst, 'I do believe:' and the third time thou wert plunged; that thy threefold confession might wash away the many lapses of thy former life."—St. Dionysius[t] says, that the trine immersion signifies the Divine essence and beatitude of God in a trinity of persons. St. Athanasius[u] says, it signifies "the death, burial, and resurrection, of our blessed Saviour, together with his being three days in the grave." And this thing was so the practice and custom of the church, that, in the canons of the apostles,[x] as they are called, he that does not use trine immersion, is to be deposed from his dignity. Τὴν μίαν ἐπιφημίζειν καταδυσιν ἀσεβές ἐστι, "It is impious and ungodly to immerge but once in baptism;" so Zonaras upon that canon: and St. Chrysostom derives it from Christ's institution, "Omnibus mysteriis velut signum imponens Dominus, in tribus mersionibus aquæ unum baptisma discipulis suis tradidit; "Our Lord did, as it were, impose a sign upon every mystery, and delivered one baptism to his disciples in three immersions or dippings:" and therefore says, "that, though this descended by tradition, yet it hath the authority of a law." And the same thing we find affirmed by Pope Pelagius, as he is cited by Gratian.[y] And Theodoret,[z] speaking of the heretic Eunomius, who first of all, without authority and against reason, did use but single immersion, says, that "he subverted the rite of holy baptism, which at first was delivered by our Lord and his apostles."

14. Now in these particulars, it is evident that the ancient churches did otherwise than we do: but that is not sufficient to force us to break the ecclesiastical custom, which is of long abode with us. But when they say, these things are to be done by Divine precepts, we are to consider that upon its own account: and though some of the fathers did say so, yet it can never be proved to be so; and it were strange that there should be a Divine commandment, of which there is no mention made in the four Gospels, nor in the Acts or Epistles of the apostles. But then that there is in dipping, and in the repetition of it, more correspondency to the analogy and mystery of the sacrament, is evident; the one being a sacrament of the death and burial of Christ, the other a confession of, and an admission to the faith and profession of God in the most holy Trinity: and therefore I say, it is sufficient warrant that every single person break that custom of sprinkling, which is against the ecclesiastical law; and it is also a sufficient reason to move the church to introduce a contrary custom to the other of single immersion, concerning which as yet there is no law. But because there is, even in sprinkling, something of the analogy of the mystery, as is rightly observed by Aquinas and Dominicus à Soto; and because it is not certain, that the best representation and the most expressive ceremony are required; therefore the church, upon great cause, may lawfully do either: but because it is better to use dipping, and it is more agreeable to the mystery to use it three times, and that so the ancient church understood it, therefore these things are a sufficient warrant to acquit us from the obligation of the contrary custom; because a custom, against which there is so much

[q] In illud. 3. Johan. Nisi quis renatus, &c.
[r] Adv. Praxeam, cap. 28. De coronâ Milit. cap. 15.
[s] Lib. 2. de Sacram. cap. 7.
[t] In Dictis et Interpret. Script. qu. 91.
[u] Vide August. homil. 4. et apud Gratian. de Consecr. dist. 4. cap. 76.
[x] Can. 49.
[y] De Consecrat. dist. 4.
[z] Lib. 4. Hæret. fabul.

probability, and in which there is no necessity and no advantage, is to be presumed unreasonable.

15. But if the custom of single immersion should by some new-arising necessity, become reasonable, then it not only might be retained, but ought to be complied with. Thus it happened in Spain in the year 600, the Arian bishops finding their advantage in the readily-prepared custom of trine immersion, used it and expounded it to signify the substantial difference of the Son and the Holy Ghost from the Father. Upon this, Leander, the bishop of Seville, gives advice and notice to St. Gregory, bishop of Rome; who commends Leander for using a single immersion, which he did to signify the unity of nature in the Divinity, and that he might not comply with the Arians: and this was afterwards brought into custom, and then into a law by the fourth council of Toledo.[a] But unless such an accident happen, and that the reason be changed, every church is to use her first customs, those which be right, and agreeable to the sense and purpose of the sacrament. But otherwise, an evil custom is better broken than kept.

RULE XVI.

The Decrees and Canons of the Bishop of Rome oblige the Conscience of none but his own Subjects.

1. THIS must needs follow from divers of the former discourses: for if bishops, in their spiritual capacity, have no power of making laws of external regiment without the leave of their princes, or the consent of their people, then supposing the pope's great pretence were true, that he is the head or chief of the ecclesiastical order, that from him they receive immediately all the spiritual power they have, yet this will afford him no more than what Christ left to the whole order; of which I have already given accounts.

2. But in this, there will be the less need of inquiry: for since the bishop of Rome by arts, which, all the world knows, had raised an intolerable empire, he used it as violently as he got it, and made his little finger heavier than all the loins of princes. And in the council of Trent,[b] when in the twenty-fifth session the fathers confirmed and commanded the observation of all canons, general councils, apostolical ordinances made in favour of ecclesiastical persons and ecclesiastical liberty,—they at once, by establishing the pope's empire, destroyed it quite, for they made it impossible to obey; and the consciences of people were set at liberty, because they were commanded, every man, to bear a steeple upon his back. For first there were an infinite number of apostolical ordinances, saith Cardinal Cusanus,[c] which were never received even when they were made. Then let it be considered what there is to be done to Gratian's "decretum," which is made part of the pope's law: and who knows, in that "Concordantia Discordantiarum," that contradictory heap of sayings, which shall, and which shall not, oblige the conscience? But then the Decretals of Gregory IX. and of Boniface VIII., the Clementines and Extravagants, all those laws in that book which is called "Collectio Diversarum Constitutionum et Literarum Romanorum Pontificum," and in another called "Epistolæ Decretales Summorum Pontificum," in three volumes, and in another called "Eclogæ Bullarum et Motuum Proprio-rum," and in another called "Summa Pontificum," and in the seventh book of the "Decretals," not long since composed,—and in their rules of chancery, their penitentiary taxes, and some other books of such loads as these, that I need not add to this intolerable heap: but that a christian bishop should impose, and a council of christian bishops and priests should tie, upon the consciences of men such burdens, which they can never reckon, never tell over, never know, never understand; and that they should do it then, when a christian emperor had given advice that the decrees and canons should be reduced to a less number, and made to conform to the laws of God,—is so sad a story, so unlike the spirit of Christ and to government apostolical, that it represents the happiness of christendom, that they are not obliged to such laws, and the unhappiness that would be upon them, if the pope had the rule and real obligations of the consciences of christendom.

3. But of these things, the world hath been long full of complaint: as appears in the writings of the Cardinal of Cusa,[d] in Marsilius of Padua,[e] in Aventinus,[f] in Albericus Rozate,[g] in Gregory Hambourg,[h] in Matthew of Paris,[i] Matthew of Westminster,[k] Nicolaus de Clemangis,[l] Franciscus Duarenus,[m] the Cardinal of Cambray,[n] and many others, both collected by Guldastus, and the "Catalogus Testium Veritatis" by Illyricus. Insomuch that if the people had not been ignorant and superstitious, "qui facilius vatibus quam ducibus parent suis," and "more willing to obey their priests than their princes," and if the princes had not been, by such means, overpowered, these decrees and canons would have been as easily rejected as many others have been. For if, by the papal sanction, they do oblige the conscience, then they all oblige. If they all oblige, how comes it to pass that, as Cusanus says, infinite numbers of them are rejected, when they are newly made? And if so many of them may be rejected, then which of them shall oblige? If they oblige by the authority of the pope, that is alike in them all: if by the condition of the matter, then they bind as they agree with our duty to God and to princes, with the public good, and the edification of the church: and then the authority itself is nothing.

4. And it is no trifling consideration, that the body of the canon law was made by the worst and most ambitious popes. Alexander III. who made Gratian's decree to become law, was a schismatical

[a] Can. 5. alias 6. [b] Cap. 20. [c] Lib. 2. cap. 11.
[d] Ubi supra. [e] In Defens. Pacis, part. 2. cap. 23.
[f] Lib. 7. Annal. Boiorum.
[g] In lib. Bene à Zenone, cap. de quadrien. Præscript.
[h] In confut. Primat. Papæ 2. consider. Princip.
[i] In Henrico III. [k] In part. 2. A. D. 1247.
[l] Lib. de Ruinâ et Reparat. Eccl.
[m] In Præfat. libri de Sacris Ecclesiæ Ministeriis, impress. 1551.
[n] Alliacens. de Reformat. Eccles. consid. 2. See also the Verger's Dream made in Latin in the time of Charles V. and translated into French.

pope, an antipope, and unduly elected: the rest were, Gregory IX. Boniface VIII. Clement V. and John XXII. persons bloody and ambitious, traitors to their princes, and butchers of christendom by the sad wars they raised; and therefore their laws were likely to be the productions of violence and war, not of a just and peaceable authority.

5. But to come nearer to the point of conscience; who made the bishop of Rome to be the ecclesiastical lawgiver to christendom? For every bishop hath from Christ equal power, and there is no difference but what is introduced by men, that is, by laws positive, by consent, or by violence. "Ad Trinitatis instar, cujus una est atque individua potestas, unum est per diversos antistites sacerdotium;" said Pope Symmachus:[o] "As is the power of the holy Trinity, one and undivided; so is the episcopacy, divided amongst all the bishops, but the power is the same." So St. Cyprian;[p] "Una est ecclesia per totum mundum in multa membra divisa: item episcopatus unus, episcoporum multorum concordi numerositate diffusus;" "As there is but one church in the whole world divided into many members, so there is but one bishopric parted into an agreeing number of bishops." And again; "Let no man deceive the brotherhood with a lie, let no man corrupt the truth of faith with a perfidious prevarication:"—"Episcopatus unus est, cujus à singulis in solidum pars tenetur;" "There is but one bishopric, and every one of us hath his share: a part of the flock is given to every pastor." Now if one were the universal bishop over all, then these zealous words of St. Cyprian had not been reconcilable to truth and sense: for then the unity of the church had been by a unity of subordination, not by an identity of office and a partition of charge. To the same purpose is that of Pope Damasus,[q] writing to the African bishops to require their aid in a matter of discipline: "Nos excusare non possumus, si ejus ecclesiam, quæ nobis generaliter commissa est, in quantum prævalemus puram à tam illicitis superstitionibus non custodiamus; quia non aliter unus grex et unus pastor sumus, nisi, quemadmodum apostolus docet, ad ipsum dicamus omnes," &c. "The church is committed to us in common, and we have no other way of being one flock and one shepherd, but by speaking the same things," that is, consenting and joining in the common government. This is the same which St. Jerome affirmed; "Omnis episcopus, sive Romæ fuerit, sive Eugubii, sive Constantinopoli, sive Rhegii, sive Alexandriæ, sive Tanais, ejusdem est meriti, ejusdem sacerdotii:" "It is all one, there is no difference in worthiness and power, whether he be bishop of Rome or Eugubium, Constantinople or Rhegium, Tanais or Alexandria." For as it was with the apostles, so with their successors; "Hoc utique erant cæteri apostoli quod erat Petrus, pari consortio prædíti et honoris et potestatis," "What Peter was, that the rest of the apostles were; he was the vicar of Christ on earth, —and so were they, and so are their successors." —"Caput enim ecclesiæ Christus est, Christi autem vicarii sacerdotes sunt, qui vice Christi legatione funguntur ecclesia," said Pope Hormisda:—and St. Cyprian[r] calls the bishop, "unum ad tempus vice Christi judicem," "the deputy and vicegerent of Christ." St. Peter had the keys given him; so had the apostles, and so have their successors; St. Peter was the pillar of the church, and so were the other apostles; he was a foundation, and so were they; for, "Christ hath built his church upon the foundation of the apostles and prophets." He was Πέτρος, and every one of them was πέτρα, "a rock," and Christ was the corner-stone. And what they were in their perpetual office, that the bishops are. "Antistitem puriorem cæteris esse oportet, ipsius enim [Christi] personam habere videtur; est enim vicarius ejus, ut quod cæteris licet, illi non liceat, quia necesse habet quotidie Christi vicem agere," said St. Austin:[s] "A bishop ought to be more holy than others, because he hath the person of Christ, he is his vicar; what is lawful to others is not lawful for him; for he every day is in his place or stead." Add to this, that the power which the bishops have, they have it immediately from Christ, they are successors of the apostles, of all, not of Peter only,—many apostolical churches which were established by others, being succeeded in as well as Rome; that these things are evident in matter of fact, and universally affirmed in antiquity clearly and without dispute.

6. From hence it must needs follow, that, by the law of Christ, one bishop is not superior to another. Concerning which I need no other testimony than that excellent saying of St. Cyprian in the council of Carthage; "It remains (saith he) that we all speak what every one of us doth think, judging no man, and refusing to communicate with no man that shall happen to be of a differing judgment:" neque enim quisquam nostrum se episcopum episcoporum constituit, aut tyrannico terrore ad obsequendi necessitatem collegas suos adegit; quando habeat omnis episcopus, pro licentiâ libertatis et potestatis suæ, arbitrium proprium, tanquam judicari ab alio non possit, cum nec ipse possit alterum judicare: sed expectemus universi judicium Domini nostri Jesu Christi, qui unus et solus habet potestatem et præponendi nos in ecclesiæ suæ gubernatione, et de actu nostro judicandi;"—"for none of us makes himself a bishop of bishops, or by tyrannical terror compels his colleagues to a necessity of complying: for every bishop hath a liberty and power of his own arbitrement, neither can he be judged by any one, nor himself judge any other; but we all must expect the judgment of our Lord Jesus Christ, who by himself and alone hath power of setting us over the government of his church, and of judging us for what we do."—Now if all bishops be equal in their power, then the pope can, by the laws of Christ, make laws no more than any bishop can; and what the legislative of the bishop is, I have already de-

[o] Baron. A. D. 499. n. 36.
[p] Lib. 4. epist. 2, 3. et lib. i. ep. 3.
[q] Epist. 5.

[r] Cyprian de Unit. Eccles. Vide S. Cypr. lib. 1. ep. 3. et lib. 5. ep. 6. S. Ambrose in 1 Cor. xi.
[s] In Quæst. Vet. et Nov. Test. q. ult. et ad Fratres in Eremo, cap. 37.

clared and proved: and therefore for these and infinite other reasons, the consciences of christians may be at peace as to the canons of the popes, out of his temporal jurisdiction. Concerning which other reasons, who please to require them, may find enough in Spalatensis,[t] in the replies of our English prelates in the questions of supremacy and allegiance, in Chamier, Moulin, Gerard, and divers others. I have the less need to insist upon any more particulars, because I write in a church, where this question is well understood, and sufficiently determined to all effects of conscience. I only add the saying of Æneas Sylvius,[u] who was himself a pope; "Ante concilium Nicenum, quisque sibi vivebat, et parvus respectus habebatur ad ecclesiam Romanam;" "Before the Nicene council, every man lived to himself," (that is, by his proper measures, the limits of his own church,) "and little regard was had to the church of Rome."

Sect. 4. *Of the Matter and Conditions of ecclesiastical Laws required to the Obligation of Conscience.*

RULE XVII.

Ecclesiastical Laws, that are merely such, cannot be universal and perpetual.

1. I DO not mean only that ecclesiastical laws can be abrogated by an authority as great as that which made them; for all positive laws, both of God and man, can be so, and yet there are some of both, which have been obligatory to all men under such a government, and during such a period, that have been called perpetual and for ever. But that which is here intended, is of greater consequence and concern to the conscience, and it is this,—That ecclesiastical laws merely such, that is, those which do not involve a Divine law within their matter, must be so made, as that they do not infringe christian liberty; and secondly, that they be so enjoined, that "the commandments of men be not taught for doctrines." These are very material considerations, but of great difficulty; and therefore it is fit they be most seriously considered.

2. They must be imposed so as to leave our liberty unharmed; that is, that the law be not universal, not with an intent to oblige all christendom, except they will be obliged, that is, do consent. For laws are in public, as actions in particular; actions are done by single men, and laws are made by limited communities. A society cannot be said to do an action, and the whole world cannot be said to make a law; but as the action is done by a determined person, so the law is made by a determined government, as by the church of England, of Rome, of Milan; and the catholic church never yet did meet since the apostles' days in any assembly to make a law, that shall bind all christians, whether they consent or no. And because one church hath not, by any word of Christ, authority over another church, and one king is not superior to another king, but all are supreme in their own dominions, of which the church is at least a part, and if they be all christian, it is that church, that christian dominion; it must necessarily follow, that no ecclesiastical law can be made with a power of passing necessary obligation upon all christians. And therefore the code of the catholic church was nothing but a collection of some private constitutions, which were consented to by many churches, and to which they bound themselves, but did not long stand so, but changed them more or less according as they pleased. And when the Roman emperors made any canon ecclesiastical into a law, it was a part of the civil law, and by that authority, did oblige as other civil laws did, not all the world, but only the Roman world, the subjects of that dominion.

3. But when any law or canon ecclesiastical is made, it is made by a certain number of ecclesiastics, or by all. If by all, then all consent first or last, and then every bishop may govern his charge by that measure; but that was never yet reduced to practice, and prevails only by consent: but if by a certain number only, then they can but by that measure rule their own subjects; but if they obtrude it upon others, then comes in the precept of the apostle,[x] "Stand fast in the liberty, with which Christ hath made you free, and be not again entangled in the yoke of bondage."

4. For when Christ hath made us free from the law of ceremonies, which God appointed to that nation, and to which all other nations were bound, if they came into that communion: it would be intolerable, that the churches, who rejoiced in their freedom from that yoke, which God had imposed, should submit themselves to a yoke of ordinances, which men should make: for though before they could not, yet now they may, exercise communion, and use the same religion without communicating in rites and ordinances.

5. This does no way concern the subjects of any government (what liberty they are to retain and use, I shall discourse in the following numbers); but it concerns distinct churches under distinct governments,—and it means, as appears plainly by the context and the whole analogy of the thing, that the christian churches must suffer no man to put a law upon them, who is not their governor. If he have undertaken a pious discipline, let him propound it, and, for God's glory and the zeal of souls, endeavour to persuade it; for all that is not against christian liberty, until any man or any church, shall impose it, and command it, whether the churches please or no, whether they judge it expedient or no, whether it be for their edification, or not for their edification: that is not to be suffered; it is against our evangelical liberty, and the apostolical injunction.

6. And this was so well understood by the primitive churches, that though the bishops did appoint temporary and occasional fasts in their churches upon emergent and great accidents, as Tertullian affirms, yet they would suffer no bishop to impose

[t] Lib. 2. cap. 1. 5, 6. [u] Epist. 288. [x] Galat. v. 1.

any law of fasting upon others, but all churches would keep their own liberty, as I have already proved in this chapter:[y] and when Montanus did νηστείας νομοθετεῖν, "make a law of fasting," not for his own church, but intended that all christians should keep the fasts appointed, they made an outcry against him and would not endure it; and yet he did it only for discipline, not for doctrine,—for piety, not as of necessity,—as appears in Tertullian's book of fasting, in the first and second chapters;[z] and they also did keep fasting-days set and solemn, every bishop in his own church, at what times they would, but almost all upon Good Friday; but this was by consent and with liberty, and that they ought to defend, and so they did.

But ecclesiastical Laws must not be perpetual.

7. That is, when they are made, they are relative to time and place, to persons and occasions, subject to all changes, fitted for use and the advantage of churches, ministering to edification, and complying with charity. Now whatsoever is made with these conditions, cannot be perpetual; and whatsoever ecclesiastical law hath not these conditions, the churches ought not to receive, because, they are impediments, not advantages to the service of God. If they be thus qualified, no good man will refuse them: if they be not, they are the laws of tyrants, not of spiritual fathers: for this whole affair is fully stated in those words of our blessed Saviour; reproving of the pharisees and their ecclesiastical laws, he says, "they, by their traditions, did evacuate the commandment of God, and they taught for doctrines the commandments of men." The full sense of which when we understand, we have the full measure of ecclesiastical laws, not only as they relate to the churches and communities of christians under distinct governments, but to every single christian under his own governor and superior. These, I say, are the negative measures: that is, ecclesiastical laws are not good and are not binding if they be imposed against the interest of a Divine commandment, or if they be taught as doctrines. Of the first there is no doubt, and in it there is no difficulty; but in the latter, there is a very great one.

8. For when our superiors impose a law of discipline, they say it is good, it is pleasing to God, it is a good instrument and ministry to some virtue, or at least it is an act of obedience, and that it is so, is true doctrine: what hurt can there be in all this? The commandments of men are bound upon us by the commandment of God, and therefore when they are once imposed, they cease to be indifferent, and therefore may then become διδαχαί, "doctrines," and points of religion; what then is that which our blessed Saviour reproves? and what is our negative measure of ecclesiastical laws?

9. To this the answer is best given by a narrative of what the pharisees did, and was reproved: for all was not repuguant to the law of God, neither is all that amiss which men teach to be done. For our blessed Saviour commanded us "to hear them that sat in Moses's chair, and to do whatsoever they commanded:" not absolutely whatsoever, but whatsoever of a certain sort; that is, 1. Whatsoever they taught by a probable interpretation of what was doubtful; 2. Or by faithful counsel concerning things belonging to piety and charity; 3. Or by a determining to circumstances of time and place those things, which were left to their choice and conduct.

10. Whatsoever was besides these, that is, 1. Whatsoever had its foundation in the opinions of men, and not in something certainly derived from God, if brought into religion and imposed on men's consciences, as a part of the service of God, this is "the teaching for doctrines the commandments of men." But besides this, 2. If what is deduced only by probable interpretation, be obtruded as a matter of faith; or, 3. If what is piously counselled, be turned into a perpetual and absolute law; or, 4. If that which was left to the choice and conduct of the governors, be handled not as matter of liberty, but of necessity;—in all these cases, "the commandments of men are taught for doctrines."

11. The reason of these things is plain. For the first: If it have no foundation in the law of God, but in human opinions, and yet be taught for doctrine, it is literally the thing that is here reproved. For the second; Whatsoever is but probably collected, is not the word of God, for that is always certain: it is true it is but probable in itself, but in itself is true or false: but to him it is but probable, and therefore, to say this is the word or the commandment of God, is more than the man can say; it is to say that it is true in itself, that is, it is a doctrine of God, when indeed it is but the word of man for aught we know. For the third; When God hath left it at liberty, if man turns it into a commandment, and teaches it for the law of God, he does more than God would do, and more than is true; for God never made it into a law, and man cannot make it to become God's law: for the ecclesiastic order, being but God's minister and the publisher of God's will, must propose things as they received them from God; that which is law, as necessary,—that which is counsel, as highly rewardable. For the fourth; If it be left in the power of the governors, then it is "hoc ipso" evident that it is necessary; and therefore though it may minister to order and discipline, yet it must do no more; it may be called "obedience," so long as it is justly bound upon us with the cords of a man; but it must not, in any other sense nor at any time, be called "religion." How these two last sorts may be made into laws, I shall account when I speak of the positive measures of ecclesiastical laws; but abstracting from that superinduced obligation, to teach these things as necessary which God hath not made so, is to do as the pharisees did, whom our blessed Saviour so reproves.

12. An example of the first is, the Pharisees "teaching the washing of cups and dishes: because they said, that, if a gentile or any unclean person had touched their vessel that touched their meat, the impurity would go into their body that ate it, and from thence into their soul; and therefore they taught the doctrine or tradition of cleansing vessels

[y] Rule 13. n. 9. [z] Vide etiam cap. 13. 15.

and washing their hands εὑρίσκοντες κενὸν τὸ φάρμακον πρὸς τὸ κενὸν, as he said in the Greek comedy; "finding out a vain remedy to cure a fantastical disease." Thus in the church of Rome, they exercise salt and water to cast out devils; they give verses out of the Psalms or Gospels to charm witches; they ring the bells to appease tempests, and very many more such ridiculous devices. 2. Of the second we have examples enough, in the council of Trent, who drew into a body of articles, and declared those things,—some of which are but probable at most, and some of them apparently false,—to be articles of faith. And under this those also must needs be involved, who persecute men for opinions and doubtful disputations. 3. Of the third, they are very evil examples, who to some whole orders of men lay an injunction of keeping evangelical counsels: such who forbid the whole order of the superior clergy to marry,—and command them that are married, to forsake their wives or their office and livelihood. 4. But they are guilty of the fourth kind of prevaricating of the words of our blessed Saviour, who persecute the breakers of an ecclesiastical law with a severity greater than the violators of a Divine commandment. For if there be any liberty, of any sort, left, after an indifferent action is made into a law of man, it is all destroyed by them, who give less liberty to the transgression of that law than to the breach of God's law, under which there is left no liberty, but the liberty of a cheerful and voluntary obedience. For they that do such things, must needs at least say that such human injunctions are as necessary as the Divine commandments; for else why are they more severely punished?

13. The sum is this; Not only those who expressly teach, that what they have invented is a commandment of God,—but all they that say any thing is a law of God which is not, though it be good, though it be probable,—and all they which use arts and secret devices, and little arguments, and enforcements, and press indifferent things up to the height and necessity of religion and a Divine commandment,—are guilty of this pharisaism, obnoxious to our Saviour's reproof, and, if it be in the matter of ecclesiastical laws, have exceeded their measures and their power, and bind themselves, but not the consciences of their subjects. A commandment is not only then broken, when we bid open defiance to it, but then also when we do actions unlike the virtue of it, and actions tending to the violation of it; that is, there are degrees of violation of a Divine law: and an ecclesiastical law that does, in any degree, break this law of our blessed Saviour, is therefore void, and is become intolerable.

14. Of these things I shall yet give two great examples, one of the Pharisees, and another of some that follow their example in this affair. God gave a commandment to the Jews, of keeping holy the sabbath-day, their new moons, and some other solemnities. Now there were many particulars in the observation, which were not determined in the law; but, 1. What was doubtful, was to be expounded by their doctors. 2. Some things were left to the liberty of good people, and the measure of them was best determined by their doctors and men learned in the law. 3. There were some canons ecclesiastical which were outer guards and hedges to the law itself, that men might, by those distances, be kept further off from sin; and in these things their rulers also had power. Now though all this they could do, and might pretend an authority from God to interpret the law and to guide the consciences, yet when they fell into ridiculous commentaries and useless glosses, neither the law itself, about which their interpretations were employed, nor their authority which they had from God, could secure them from tyranny, and corruption, and doing violence to conscience, and imposing unequal burdens. Thus we find that their rabbins taught, "that upon a solemn feast-day, it was not lawful to catch fish in their ponds, but they might hunt the hens and catch the geese in their yard. They might not blow the fire with a pair of bellows, because that was too like the labour of smiths; but they might blow it through a hollow cane; they might make a fire and set on their pot, but they must not lay on their wood like the structure of a house, that is, too artificially; and you must roast or boil no more than was necessary: and if you made a fire, you might wash your feet with warm water, but not your whole body. You must not touch an egg, that was laid that day; nay, if you were doubtful whether it were laid that day or no, yet you might not eat it,—and, if that were mingled with a thousand, you might touch none of them: but if you killed a hen, you might eat the perfect eggs that you found in her." These and many more such little doctrines they taught to be observed, as explications and manners of the observation of the Divine commandment: but these I have here transcribed from the Jews' books, that we may perceive the sense of our blessed Saviour's reproof by the instances of their prevarication. He was pleased to speak to that of washing of cups and platters: but it is also said there,[a] καὶ ἄλλα πολλά ἐστιν, "there are many other things," such as that was which they have received and teach, some of which I have recited. Now we do not find that the Pharisees taught these as Divine commandments, but they used them as if they were: they did them ὁσίας χάριν, they thought themselves the more holy for doing them, they accounted them profane that did not, they placed much of their religion and pharisaism or separation in them, esteeming them a part of the Divine worship: this was their case, and Christ gave their sentence.

15. The other instance which I promised, is the law of the Roman church in keeping of Lent; which, it is certain, was no law of Christ, not so much as the interpretation of a Divine law. Some of them pretend, it was enjoined by the apostles; others of them say not, and these say true; so that it is a commandment of men: but yet this they teach for doctrine in the culpable and criminal sense; that is,

16. (1.) They value it more than some commandments of God. I need no other proof but the words of Erasmus:[b] "Veluti parricida, pene dixerim, rapitur ad supplicium, qui pro piscium carnibus gusta-

[a] Mark vii. 4. [b] Epist. ad Epist. Basil.

rit carnes suillas;" "He that, instead of fish, shall but taste a piece of pork, is dragged to punishment, almost as if he were a parricide:" "Gustavit aliquis carnes, clamant omnes, O cœlum! O terra! O maria Neptuni! Nutat ecclesiæ status," &c. "If they see a man eat flesh, they are amazed, they think the church is in danger; they put men to death, to the sharpest death of burning alive, for eating flesh; they shut up the butchers' shambles, but leave open the public stews."

17. (2.) They account it to be a part of the service of God, not only as it is an act of obedience to superiors, but in itself and without any relative consideration. Bellarmine[c] says, "they are not christians, that eat flesh in Lent:" which words are extremely false; or else every one, that disobeys an ecclesiastical law, hath forfeited his christendom; or else he places the sum and life of religion in the keeping of Lent, and makes it a vital part, expressly prevaricating one of the most glorious propositions of christianity, placing the "kingdom of God in meat and drink, not in righteousness, and peace, and joy in the Holy Ghost;"[d] and doing that which the apostle[e] hath forbidden, when he said to the Colossians, "Let no man judge you in meat and drink." If it were only a question of obedience to the law, it were to be considered upon a distinct account, and were a sin or duty respectively, according to the several dispositions of the person and the law: but no man says that he is no christian, who, at any time, breaks an ecclesiastical law: and therefore in this more is pretended, and it is to be reckoned amongst the διδασκαλίας, ἐντάλματα ἀνθρώπων, "the commandments of men, that are taught for doctrines."

18. (3.) They account the exterior action, the body of the injunction, the element of it, to be a service of God; and for that part of it esteem themselves the more holy and the better christians, as appears in their contentions about it, using arguments to prove the very fast to be a sacrifice, a pure oblation.[f] Now it is true that fasting is a good ministry to divers holy purposes, but it is no more; it is that which can be supplied by other ministries as apt, and therefore that in kind is not necessary, nor required; it is that, whose work can be done without any ministry at all, in some persons, and some cases, even by love and by obedience, by hope and fear, which are, of themselves, direct graces, virtues and parts of the service of God. And therefore the fathers of the church press, in their sermons and exhortations to fasting, that they would take care to acquire the end of fasting,—to be free from vice, to mortify the affections and lusts: according to that saying of Isidore:[g] "Fasting with good works are acceptable to God, but he that abstains from meat, and does evil, imitates the devils, 'quibus esca non est, et nequitia semper est,' 'they never eat, but ever do wickedly,' and perversely. But he fasts well, that fasts from maliciousness and secular ambitions."—"Take heed, therefore, (says St. Jerome[h] to Celantia,) that when you begin to fast and use abstinence, you do not think yourself holy. For this strength 'adjumentum est, non perfectio sanctitatis,' 'it is not the perfection of sanctity, but a help only.'"—Νηστείας ὄφελος οὐδὲν, ἂν μὴ καὶ τὰ λοιπὰ ἔπηται πάντα, "And there is no profit at all of fasting, unless all things else do follow," saith St. Chrysostom;[i] that is, ἀποχὴ ἁμαρτημάτων, "an abstinence from sin entirely:"—and again, "What gain is it, if, ἔρημοι καταρθωμάτων, 'being void and empty of good works,' we have kept the fast? If therefore another says, 'I have fasted all the Lent,' say thou, 'I had an enemy, but I am reconciled; I had an evil custom of detracting from my neighbour's fame, but I have left it off; I had an ungodly custom of swearing, but it is now amended.'" The sum is this, which I represent in the words of Prosper;[k] "Jejunia, abstinentiæ, ac cætera hujusmodi, non pro justitiâ, sed cum justitiâ, Deo sunt exhibenda:" "Abstinence and fastings are to be given to God not *for* good works, but *with* them."—That is, they are of use in order to certain purposes, which when they do effect, they are good; when they do not, they are useless troubles; and if they then be urged beyond their ministry, and instrumentally, and for themselves, then we return to the beggarly elements and rudiments of the synagogue: and if we suffer ourselves to be brought under the power of these things, by laws, and affrightments, and spiritual terrors, then we have lost our christian liberty, which was bought by the best blood of the world.

19. (4.) But not only the exterior and instrumental act is absolutely urged and taught as necessary, but a circumstance, a manner, and form, of that exterior instrument is enjoined. It is enjoined not that we fast totally; but that we fast so: you may dine, if you will eat at the merchant's hours, after twelve or one of the clock, but you may not eat flesh; you may eat sweetmeats, the most delicious fish, the sturgeon and the scarus, the lamprey and the oyster, the eel and the salmon, and all the delicacies of nature,—so you do not touch the fillets of a veal, nor eat an egg or milk, curds or cheese, or any thing that comes from a beast or bird. Now what can be the meaning of this, when it comes to be expounded by wise and sober men, that can judge of the causes and differences of things? For if abstinence and fasting be the thing that is required, this is nothing of it: if we may dine, if we may fill our bellies with wine and delicacies, if we may eat, as Adam might, of all the garden of Eden, it is no great matter as to temperance and abstinence, as to mortification and austerities, if we abstain from one: it may be something as to our health, and so certainly it is to very many bodies. It may be an instrument of vexation, but it cannot edify. Is any man cured of his lust, by eating nothing but fish and broths for forty days? He may indeed be made sick by it, and so very many are; but the interest of no virtue is served by it, but by the other permissions it may be more destroyed; and by fishes,

[c] Lib. 2. de Bonis Operib. cap. 9. sect. Tertio addit.
[d] Rom. xiv. 17. [e] Coloss. ii. 16.
[f] Bellar ubi supra, cap. 11. sect. item.
[g] Lib. 2. Senten. cap. 44. [h] Epist. 14.
[i] Homil. 3. ad Pop. Antioch. et hom. 4. et 16.
[k] Lib. 3. de Vitâ Contemplat. cap. 10.

and broths, and artificial meats, provisions may be too abundantly made "for the flesh, to fulfil the lusts thereof." What therefore is in this manner of the law, but something of the beggarly religion of meats and drinks? In the days of Prosper[1] they abstained from the flesh of beasts, but not of birds; and his sentence of that kind of fasting is this; "But they that, abstaining from the flesh of fourfooted beasts, enjoy the flesh of pheasants and other precious birds or fishes, seem to me not to cut off the delights of their bodies, but to change them,—and to cast away the common and cheap delicacies of flesh, that they may fill their pleasures with more delicious and more precious flesh; not for abstinence, but because some flesh is unclean, or rather, as I suppose, for the tenderness of their wanton stomachs: since the nature of any flesh is not to be condemned, if it be intended for man's use, and appointed by God; but the lusts of the flesh are to be avoided, which the devil hath superinduced, and offers to our senses. But they that would seem to themselves more abstinent, and by it acquire fame and noises, do so abstain from flesh, that they fill their vast appetite with rare fruits and curious broths: but spiritual abstinence persuades not to refrain the use of certain meats, but the restraint of the lust and the desire; and they are rather to be esteemed abstinent, who forbid not to themselves the use of some meats, but the delights of the body."—And indeed let it be considered; if a man pretending to mortify his body, shall abstain from wine, and will nevertheless drink sherbets and delicious beverages, strong ale and spirits, I suppose his body will not, by that discipline, be dead to sin: and so it is in the abstinence from flesh,—unless he also abstain from all nourishment but what is necessary and made pleasant by want. For thus the holy primitives, when they had gotten the custom of the Lenten fast, for two days, or six days, or ten days, or fifteen days, according as the humour increased, they did generally abstain from flesh; but so they did also from fish, and wine, and all delicacies, and ate a dry diet, bread and water, herbs and common fruits, turnips and berries, flies and nuts: and yet this they did without making it a religion not to eat a bit of flesh; but upon occasion would eat a meal of flesh, but not very delicious: and when their fasts were of many days, they were not continual but intermitted. This latter I have already proved; but that even in Lent the primitive christians did not abhor flesh, appears beyond dispute in the case of Spiridion, bishop of Cyprus; who when a traveller came to him in the time of Lent, very weary and faint, and there were no cold provisions in the house ready dressed, it being a time of fasting, bids his daughter to boil some pork, which was in the house powdered for the use of the family: she did so, and her father the bishop ate of it, and bade his guest do so too; who refused, saying that "he was a christian." The bishop replied, "Therefore the rather you ought not to refuse; because the word of God hath said, 'To the pure all things are clean:'"—so Sozomen[m] tells the story. By which it is apparent, that then it was not the custom for christians to eat flesh in Lent, for they ate nothing that was pleasant, but they abstained because it was pleasant, not because it was flesh; for of this they made no religion, as appears in the fact and exhortation and argument of Spiridion. And of the same consideration was that law of Justinian, in whose time, which was in the middle of the sixth age, the custom of abstaining from flesh in Lent, did prevail much; but because it happened in Constantinople to be great scarcity of other provisions, the emperor commanded the shambles to be open, and flesh to be publicly sold. But Nicephorus[n] tells that the people would not buy any, for they began to think it to be religion "not to touch, not to taste, not to handle." But the emperor and the wise men knew no religion against it. And that which Marcion[o] said to Avitus in the like case, is very considerable: "We know that charity is better than fasting; for charity is a work of the Divine law, νησεία δὲ τῆς ἡμῶν ἐξουσίας, 'but fasting is a thing arbitrary and of our own choice.'" Since therefore to eat flesh, or not to eat it, may become good or bad as it is used, and does not serve the end of fasting, and such fasting does not serve the end of the spirit,—not only to make fasting to be religion, to which it does but minister, but to call that fasting which they who first began Lent, would call feasting and luxury, and to make that to be essential to that fast, and that fast necessary to salvation in the ordinary way of necessity, is not only "to teach for doctrine the commandments of men," but to make the impotent, fantastic, and unreasonable devices of men to become commandments.

20. (5.) That this may be an exact parallel with the practice of the pharisees in that folly, which our blessed Saviour reproved: the commandment does so little regard the true end of fasting, and that fasting so little advances the use and interest of any virtue, that they spend themselves even in the circumstances of some circumstances, and little devices of superstition; taking care not to eat a turnip, if boiled in a vessel in which flesh was put: not to cut their bread with a knife that had carved flesh: not to taste it, but to wash their mouth after a little whey or broth, if by chance it hath been touched: which things because they can serve no end of religion, the law that requires such things, must needs be foolish or superstitious: it must either play with men's consciences as with a tennis-ball; or intimate some pollution and unholiness at that time to be in the flesh; or else at least must pretend to greater strictness than God does in the observation of his positive laws; and it certainly introduces the greatest tyranny in the world, destroys peace, and is the most unwarrantable of all the follies, which can be incident to the wiser part of mankind,—I mean to them that govern others.

21. I will not instance in the ridiculous and superstitious questions, which they make about the keeping of the ecclesiastical law; as whether it be a din-

[1] Lib. 2. de Vit. Contempl. cap. 23. [m] Lib. 1. hist. 11. [n] Lib. 17. cap. 32. Hist. [o] Theodoret. Hist. Relig. in Marciano.

ner or a supper, if we eat after even-song said at high noon: whether a morning's draught does break the ecclesiastical fast; whether a man may eat a bit of bread with his drink, and yet be a good son of the church; whether a cook that dresses meat for sick persons, may lawfully lick his fingers; whether he that eats one bit of flesh, sins anew, if he eats another; and whether or no he may not, at the same rate, eat flesh all the Lent after; whether the wet nurse may eat flesh, because her baby may have good milk; whether it be lawful to eat birds and fowls, because they were produced out of the water: which doughty reason did encourage some to do it, of whom Socrates[p] speaks, and is mentioned by Peter Gomester, the master of the Scholastical History. Which questions, if they that make them be in their wits, and think other men are so too,—they must needs believe that the keeping of Lent is so sacred, so principal a point of religion, so great a service of God in the very letter and body, in the crust and outside of it, that the observation of it must consist in a mathematical point: it is like the decalogue, the very letters of which are numbered; and if a hair be missing, religion suffers diminution: and which of all these it be, yet in every one of them they do what the pharisees did, and what Christ reproved in them, and therefore forbids in all men, "they teach for doctrines the commandments of men."

22. (6.) To return to the particular of the rule; they make an ecclesiastical law, which is of a relative use and nature, to be periodical and perpetual;—which is unreasonable, and may be sometimes unjust, and very often uncharitable, and therefore not the fit matter of an ecclesiastical law. For this is certainly the greatest deletery of the liberty of christian churches, and a snare to consciences, and is, of itself, apt to introduce superstition and the opinion of direct religion into the discipline.

23. But this is to be understood of such laws which are intended for discipline, and are, 1. A burden; and, 2. Of a nature relative to the future; and, 3. Of an alterable use. For if a law were made, that every man at a certain time of the year, should do a certain discipline to mortify his lust, it were a foolish law; for that the man at that time, it may be, needs it not; or he hath another remedy; or he is sufficiently contrite for his sins, and does his penance by internal sorrow; or, it may be, he cannot at that time mourn; or, it may be, the cause is altered, or a greater cause intervenes; and that ought to be served, and therefore not this; for if you serve both, you tire obedience, and make religion to be a burden: but which is most of all, a law of burden, if it be perpetual, makes the willing to be slaves, and tempts the unwilling to be rebels; and because it is intended to minister to things contingent and infinitely alterable, if the law be not so too, it must pass into an opinion of being a Divine worship and religion, or else into more than an opinion and imagination of tyranny. Add to this, that laws of burden are always against charity, if they be not done in great necessity, or not effective of a good greater than the evil: and therefore to impose such laws, with a perpetual obligation upon churches, when it cannot be of perpetual use, and at all times good, or just, at such times necessary,—is against the equity and charity of that power which Christ intrusted in the hands of them, whom he made stewards of his household, feeders of his flock, and fathers of his family.

24. But if the laws be relative to what is past, and no burden, but matter of ease or benefit, or comes from a perpetual cause, or that which is unalterable, then the law may be such, which will be perpetually consented to, and kept for ever. Thus the catholic church keeps the Lord's day, not by an everlasting ordinance, but by a perpetual consent, and for a never-failing reason; and that which makes it necessary now to keep that day, and will do so for ever, is, because the reason of it is always the same; and in this case, that which was fit at first, will be so at last, and all the way: and things are in that constitution and conjunction, that no man can despise that day, without being careless to return thanks for the resurrection of Christ, and to separate a just portion of his time to the more solemn services of God. But for all this, this is not a perpetual law imposed upon all churches; for God did not impose it, and no man hath power to do it; for no man's power can last longer than his life: and therefore no bishop can oblige his successors by any canon, without the civil power supervenes and fixes that law by continuation. And therefore although God did enjoin the Jews an annual fast for ever, and although the rulers of the Jews did add some more, and they were observed for ever: yet this will not infer that therefore now this may be done in the law of the church. For God who is a lawgiver, does abide for ever; and therefore his laws are to remain as long as he please: and the rulers of the Jews had both the powers, civil and ecclesiastical, conjunct, and they by a current legislation still caused their fasts to be observed; yet the succeeding ages had been at liberty, and the sanhedrim might have changed those solemn days, but that they were established by prophets and by those whom they believed to speak the will of God: all which make their case special, and not to be drawn into example and warranty in the sanction of ecclesiastical laws in the christian church. To which let this be added, that the Jews might keep and observe a religion of days and meats; and it not being against the analogy of their manner of serving God, their rulers had an equal power to make laws in the difference of days and meats, as in any other matter whatsoever. But the laws of the church must minister to piety and holiness, and to nothing else; and they must be exacted with prudence and charity, and in no other manner; and must be obeyed in love and liberty, and by no other measures: but the day or the meat must ever be the less principal in constitution; they may be the circumstances, but no part of the religion, and therefore cannot be perpetual; but just as a Venice glass may, that is, if there be nothing to break it, it may abide for many ages, but every thing that strikes it can break the glass,—and every requisite of reason or charity can put a period, or take off the necessity of that portion, in the law which, because it must be less principally

[p] Lib. 5. Hist. cap. 21.

regarded, must accordingly be imposed and exacted, but cannot be universal and perpetual.

25. The result of these considerations is this; (1.) Ecclesiastical laws may be made by particular churches, to prevail in their own governments, and to pass on their own subjects,—but may not, by one church, be imposed upon another, much less from one to pass upon all.

26. (2.) Ecclesiastical laws may be made and continued by any authority so long as that power lasts, and so long as the reason of the law does last; but it can be no longer a law than it hath influence from the remaining power, who is to establish it according to the remaining usefulness.

27. (3.) All ecclesiastical laws, in the matter of meats and drinks and days, must be wholly relative to religion, and the effect of graces and proper duties, and must not at all be imposed with any regard to themselves, but to the ends of their ministry, and must live and die according to the nature of relative beings; but cannot be perpetual, but where neither the cause nor the subject alters.

28. (4.) All ecclesiastical laws must be imposed with liberty: not with liberty of the subjects to obey or not to obey, but with the liberty of the whole church, to change them or to continue them, to exact or to relax them, to bind or to loose, as may best stand with prudence and charity, with the interest of virtue or the good of the subject.

29. (5.) Ecclesiastical laws must serve religion, but must never pretend to be religion or a direct service of God. It is true that all religious laws of our just superiors, rightly imposed in order to any virtue, are adopted into the society of that virtue: as a law of fasting does also enjoin a duty of temperance; a law of christian festivity, in order to our joy in God, and praising his name, and paying him thanks, promotes all these graces; and therefore he that keeps that day to these purposes, besides his obedience, does an act of all those graces. Yet it is to be observed, that the observation of these laws can never formally be reckoned to be actions of those graces; they are but ministries and instruments, and they not necessary but useful only: and therefore he that does not observe that day, though, it may be, he sins against obedience, yet he is not to be judged as if he were intemperate, or unthankful, or unmindful of God's benefits; because though these appointments are made for the services of these graces, yet these are not the adequate ministries of them; they may be done by other ways at other times, and they may, at that time, be omitted without any neglect of such graces. If there be a just cause to omit the observation, then the omission is neither disobedience, nor intemperance, nor unthankfulness: but if there be no just cause, it is disobedience; and may be any of the other as it happens, but is not certainly so. But though in these respects to obey an ecclesiastical law may be a doing an act of virtue together with the obedience, and so a serving of God; yet because it is only in regard of the concomitant act of virtue, which is served by the law,—if that law do not serve that virtue, but by any cause be destitute of its purpose, that external action which the law enjoins, is so far from being a service of God, that if it be urged imperiously, or acted for itself, and delighted in upon the natural account, it enters into religion, with which it hath nothing to do, and so passes into superstition.

30. (6.) Ecclesiastical laws, if by any means they be taught for doctrines and commandments of God, become unlawful in the imposition, though the actions of themselves be lawful; that is, they are unlawful laws, and do not bind the conscience: for they are such things in which no man can have authority; for they are a direct destruction to christian liberty, which no man ought to take from us. If they once pretend to a necessity besides the equal necessity of obedience, they do not oblige the subjects of any government; but if they pretend to a necessity of obedience, they do not oblige any churches besides that, whose governors have made the law.

RULE XVIII.

Ecclesiastical Laws of Ceremonies and Circumstances of external Observances, do not bind the Conscience beyond the Cases of Contempt and Scandal.

1. THAT is, they bind only in public, and not in private; they bind not for any thing that is in themselves, but for something that is better than themselves; they bind, not for our own sakes, but for their sakes that look on: and therefore when nobody looks on, when they have no end to serve, when they do no good, when they signify nothing, they cannot bind at all; for whatsoever binds only for this reason, does not bind at all when this reason is not. The church of England commands, that, when the priest says the responsory after the Creed at morning or evening prayer, he shall stand up: the purpose of it is, that the people who are concerned to answer, may the better hear: but if the prayers be said in private, none being by, or, it may be, two or three that kneel near him, it is ridiculous to suppose that the priest sins, if he kneels on to the end of those ejaculations. In some cases, he that officiates, is bound to turn his face to the west, or to the body of the church; but if there be nobody in the church, but the clerk at his side, why he should do so, there is no reason to be given, and therefore it cannot be supposed to be bound upon him by the law of the church.

2. For it is highly considerable, that in these laws of ceremonies, it is otherwise than in laws, which concern the matter and instances of Divine commandments. Because the laws of commonwealths can change actions of themselves indifferent, into the order of virtue and vice, if they be of the same matter and naturally capable; as when incest is defined to be a forbidden conjunction of persons too near in blood, the law, by forbidding the marriage of uncle and niece for that reason can make that to be incest; and killing can by the law be made mur-

der, when it is forbidden,—or not to be murder, when it is justly commanded. Thus if there be a law made, that corn or gold lace shall be sold at a certain price, the law which is the measure of justice in contracts, makes that price to be the instance of justice, and what exceeds it, to be unjust if it be a just law. Because these actions lying next to the instances of the Divine commandment, and placed there as outer guards to God's law, and being naturally the same actions, when the prohibition comes from a just authority, then it is made to be a sin by the law, and that sin by the nature and participation of the same reason. For he that kills his adulterous daughter where it is permitted, does do the natural act of killing as much as he that kills his father; but where there is no law against it, but by law she is sentenced to death, and that without solemnities, there is no *ἀνομία*, and therefore no *ἁμαρτία*,—it is not a sin, unless it be the transgression of a law. So that the natural capacity and the supervening law together make up the action to be such a sin. But now this thing can never be in ecclesiastical laws of ceremonies and rules of order: for they are not in their matter and in their own nature like to religion or next to it: and nothing can be religion but that service, which God hath chosen of himself, and that which is naturally and internally so, as, glorification of God, loving him, obeying him, praying to him, believing him, and such other inward actions which are taught to us by our natural reason and our prime notices of God. But external actions and ministries are then capable of being made religion, when God appoints them, and not else; because God will be worshipped externally as he is pleased to appoint, according to that saying of Origen,[q] "Nemo qui oculis animæ cernit, alio modo Deum colit, quam sicut ipse docuit;" "That man is blind in his reason, that will worship God otherwise than he himself hath taught."

3. This only; the church can adopt actions into religion, which God hath made ready, and which he hath prepared and fitted for religion; such as are free-will offerings and counsels evangelical. For when any man does choose to do any act, which God hath recommended and not enjoined, this is religion; but this is only in such things which are real graces appointed by the Divine law, and the instance only is left undetermined: and how far the church can command any of these things, I shall afterwards inquire; but for the present, these things can pass into religion, because God hath so prepared them.

4. But secondly; external observances can become religion, if they be the outward act of an inward grace; as, giving money to the poor, worshipping God with the body; that is, when they naturally express what is conceived and acted within, not when they come from without: a commandment of man may make these actions to be obedience, but they are made religion by the grace within, or not at all. Thus fasting can be an act of religion, when it is naturally consequent to penitential sorrow, and the hatred of sin: but when it is enjoined by men, then it is but an instrument, and may be separate from all religion, and may be no act of repentance, and can be made to be religion by no man but by the nature of the thing.

5. But thirdly; ceremonies and rituals and gestures and manners of doing outward actions, cannot be made to be any thing but obedience: they are neither fitted by God, as counsels evangelical are, —nor yet by nature, as the outward actions of virtue are, to become religion; nay, they are separated from being religion by the word of God, by the coming of Christ, by his death upon the cross; and days and meats and drinks, and carnal purities, and external observances, are now, both by God and by nature, removed far from being any thing of the christian, that is, of the spiritual religion.

6. The consequent of these things is this.—When a law is made, it binds either by the natural goodness of the thing, or by the order and usefulness of its ministry to something else, or only by the authority. Ceremonies cannot be of the first sort, but of the second they may, and then they oblige only so long as they can minister to the end of their designation, but no longer. For if that be the only reason of their obliging, then they oblige not when that reason is away. Now because they are made only for order and decency, both which are relative terms, and suppose an action done in public,—there is no need, no use of them in private. But because, even after the reason ceases, the authority hath reasons of its own to be regarded, and things that are not binding by their absolute or relative nature, may yet bind by the authority and for the reverence of that, till there be opportunity to annul the law, therefore when the reason of the ceremony does cease, or is useless and operates not at all, we must yet regard the authority; that is, do it honour, as Samuel did to Saul. If the thing itself be of an intrinsic goodness, though made necessary only by the positive command, then it is to be done for itself, and in private as well as public: but if it be only a relative ministry, then it hath no reason beyond that relation; and if that relation be public it binds only in public: but if it be only matter of obedience, and have no reason else either absolute or relative, then the law does not bind the conscience, but even then we are bound so to comport ourselves, that the authority may not be despised nor offended; that is, it is not to be slighted or reproached, nor publicly disregarded; though for the obedience itself in this case there is no absolute obligation, but the not obeying is to be conducted humbly, inoffensively, prudently, and regardfully. The reason of these things is this, because the church makes no absolute laws; she makes them for good ends, and beyond that she hath no authority; her legislative is wholly a ministry of grace and godliness, not of empire and dominion. For the difference is this; civil laws oblige in public and in private, for reason and for empire,—when the cause ceases, and when it remains,—when the breach is scandalous, and when it is not scandalous: but the canons of the church oblige only for their reason and religion, for

[q] Contra Celsum, lib. 7.

edification and for charity, when the thing is useful to others or good in itself; but the authority itself being wholly for these purposes, is a ministry of religion, but hath in it nothing of empire, and therefore does not oblige for itself and by itself, but for the doing good, and for the avoiding evil: and this is that which is meant by the cases of contempt and scandal.

These are the negative measures of ecclesiastical laws. The positive measures are these:—

RULE XIX.

Ecclesiastical Laws must be charitable and easy; and, when they are not, they oblige not.

1. WHEN ecclesiastical laws were conducted and made by the spiritual power, the bishops, rulers of churches, before the civil power was christian,—their laws were either commandments of essential duty, or of that which was next to it and necessary for it: or else they were indicted to a voluntary people, and therefore to be presumed easy and gentle, charitable and useful; or it is not to be thought the people would have been willing long to bear them. But when the civil power was the ecclesiastical ruler, and the commonwealth became a church, the spiritual sword was put into a temporal scabbard, and the canons ecclesiastical became civil laws, though in their matter religious, and in their original they were ecclesiastical. Now if the laws be established by the civil power, they must indeed be just and good; but yet if they be laws of burden, and contain a load that is supportable, they are to be obeyed. "Quod quidem perquam durum est, sed ita lex scripta est," said Ulpian;[r] "The case is hard, but so the law is written:" meaning, that though it be hard, yet the law is to be obeyed, so long as it is just. But when the ecclesiastical law is indicted by the spiritual power, the civil power only consenting and establishing the indicted canon, that corroboration adds no other band to the canon, than that it be obeyed according to the intention of the spiritual power, only so it becomes a law indeed, but it is a law only as the church can intend a law, or desire it to be imposed; that is, what the church might reasonably persuade, and fitly enjoin, that so much and no more, in that manner and no other, the civil power does corroborate it. For the ecclesiastical canon, put into the hands of the civil power and made into a law, is like a twig of an apple-tree grafted into the stock of a thorn; it changes not the nature of it, but is still an apple: so is the canon,—still it is but an injunction of the church, though the church be enabled temporally to chastise the rebellious; but still the twig that is so ingrafted, must retain its own nature, and must be no sourer than if it grew upon its own stock; it must be such as is fit to be persuaded, such which men can be willing to, and easy under, and of which they shall have no cause to complain. For since the church, in these things, hath no power but to exhort and to persuade, and therefore can enjoin nothing but what can be reasonably persuaded; she must not, by the aid of the temporal power, enjoin those things which are cruel and vexatious, and such to which no argument but fear can make the subject willing. The church, when she hath temporal possessions, always is a good landlady; and when she makes judgments she meddles not with blood, but gives the gentlest sentences; and when she is admitted to a legislative, she enjoins a ζύγος χρηστὸς, "an easy, a gentle yoke;" and when she does not, the subject is concerned to avoid the temporal evil threatened by the civil power; but not to give obedience to the intolerable law of the church, as in that capacity; for unless the law of the church be such, that good men may willingly obey it, it cannot be enjoined by the church, and the church ought not to desire the civil power to do it for her: for since she hath no power to command in such things, where the Divine authority does not intervene, all the rest is but persuasion; and he that hath power only to persuade, cannot be supposed to persuade against our will: and therefore matters of intolerable burden are not the matter of ecclesiastical laws, because they certainly are against the will of all men, who can serve God and go to heaven without them.

2. Not that it is permitted to any man, as he please, to obey or not to obey the ecclesiastical laws; nor that the spiritual authority so depends upon the consent of every subject, that he is at his choice, whether he will keep it or no: but that he is to obey willingly; that is, that no more be imposed than what he may be willing to; and then that he be not disobedient, when, if he were not peevish, he ought to be willing. For this is all that share of christian liberty, which under his just superiors every single subject can enjoy; he may not break the law when he please, but when he cannot keep it; not when he is not in the humour, but when he is not in capacity; not because he will, but because without great evil he cannot.

3. I shall give an instance in the ecclesiastical laws of fasting, and, by an inquiry into their obligation, state the sense and intention of this rule.

What Persons are tied to the Observation of ecclesiastical Fasts, and in what Cases.

4. To the solution of which question, first we are to consider to what end the church enjoins her fast. For whoever is involved in that end, is also concerned in the law, ordinarily and regularly. Thus if a fast be only indicted to suppress incontinence, they who have no temptation to it, or have a sufficient remedy by which they please God, are not bound by that law, but in the cases of scandal and contempt. "Fasting spittle kills a serpent," saith Pierius;[s] but if a man have a rod in his hand that will do it sooner, that law would be fantastical, that should command him to stay till he could kill the snake with his fasting spittle. But if the church intends many good ends in the canon, any one is sufficient to tie the law upon the conscience, because for that one good end, it can be serviceable to the soul. And

[r] Lib. Prospicit. ff. qui et à quibus.

[s] Lib. 14. Hier.

indeed fasting is of that nature, that it can be a ministry of repentance by the affliction,—and it can be a help to prayer, by taking off the loads of flesh and a full stomach,—and it can be aptly ministerial to contemplation; and if fasting were only for mortification of lustful appetites, then a virgin might not safely fast in public, lest she fall into the suspicion of incontinence, or be exposed to the bolder solicitations of the young men. Now because every one is concerned in some one or more of these ends of fasting, all people are included within the circles of the law, unless, by some other means, they be exempted.

5. But they are exempted from it who are sick and weak, spent with labour, or apt to be made sick, or hindered in their employment: "Nisi quem infirmitas impedierit," says the canon law;[t] all are bound to keep fasting-days but such who are hindered by infirmity,

——— seu
Dura valetudo inciderit, seu tarda senectus,

any bodily infirmity, whether of "age or sickness," weakness or disease. Concerning which, if the infirmity be evident, there is no question; for the law does except such persons in the very sanction, or public and authentic interpretations, and common usages. Women with child, children and old persons, the sick and the traveller, the weary and the weak, the hard student and the hard labourer, the poor man and the beggar, these are persons which need not ask leave; for the law intends not to bind them. Now those that are but probably so, that is, not well, apt to be sick, suspected with child, not weary, these also are within the power of having leave given them, that is, capable of dispensation; that is, it may be declared that the law intends not to bind them at all in such cases. So that upon this account none are bound but the lusty and the lazy, the strong and the unemployed.

6. Now in these things there is no other certainty but what is set down in the laws of every church respectively, save only this,—that in all churches, where such laws are used, they are never expounded by the measures of great charity and remission, excepting in such places where they place religion in external observances; and yet there also they pretend great gentleness, when they are charged with want of it by their adversaries; as is to be seen in Albericus Pius's Lucubrations against Erasmus.

7. But I consider that the laws of fasting are, therefore, very sparingly to be imposed, when there are so many causes of being excused; and not at all but upon great occasions, and particular emergencies: and when they are, the injunction is to be so made, as fewest may be excused, and none may desire it but those who cannot help it: and the evil of the contrary is very visible and apparent in the fierce and decretory injunctions of the long Lenten fast, the burden of which is so great, that they who do not think it religion, or a law of God, or a part of the Divine worship, use all the arts they can to be eased of the load, cozening the law, and easing themselves, and studying a new cookery, and destroying the end of the law by keeping the letter, and buying dispensations, and complaining of the burden, and being troubled when it comes, and glad when it is over. A law of fasting is very imprudent and very uncharitable, when it becomes, like Reboboam's thigh, too big and too heavy for all the people: and what good is done by such fasting, that could not, with more ease and more charity, be acquired by other instruments or a better conduct of this? Mantuan[u] complained with great sorrow and great reason in this particular.

Adjungunt etiam primi jejunia veris;
Quæ nisi sint servata, volunt nos ire sub orcum.
Aspice quam duris, aiunt, frænata capistris
Gens electa fuit. Lex Christi æterna, nec unquam
Cessatura, sinus (dicunt) sine tendat in amplos,
Ut sit conveniens, habilisque, et idonea toti
Humano generi, non importuna senectæ,
Non onerosa inopi, non importabilis ægro.

The laws of religion should be, like the yoke of Christ, light and easy, fitted to the infirmities and capacities of all men; for let them be ever so easy and delightful, we shall be too much tempted to neglect them, though the laws themselves be no temptation to disobedience.

8. This is certain, that in a law of so great burden in itself, and so severely imposed, and so fiercely punished, and so religiously accounted of, and so superstitiously conducted, the conscience is so certainly made restless by the scruples of the conscientious persons, the arts of the crafty, the ignorance of the over-busy, and the witty nothings of the idly-employed, that the good which accidentally may be brought to some by it, cannot pay for the many evils, which it regularly produces in others: and that law of fasting can never be so good as the peace which it disturbs. For if you pretend your youth as a just excuse from the law of Lent, you shall be told, that the fast consists in the quality of the meat, and in the singleness of the meal, and in the time of taking it; and that though you are excused from eating fish or pulse, yet you must eat but once; or if you do eat at night, yet you must not eat in the morning; or if you do, yet you are to be advised how much can be called a meal. And then you are not sure, whether you are to fast at the beginning, or not till the consummation of your fourteenth year; and when that is out, if the understanding be so little as not to understand what and why and how, you fast to no purpose; and if sooner you do understand, it may be you are obliged in conscience, though not punishable by law. If you be old, yet some old men are lusty and strong; and the church does not intend that the age alone, but that the infirmity, should excuse: and because this infirmity is divisible, it is not every infirmity that will do it; and, it may be, you are an easy and too gentle a judge in your own case; therefore you must ask; and who shall tell you? Cajetan and Navarre, Filliucius and Gregory Sayr, Diana and Azorius, understand no physic; and they can tell you something in general of the law, but nothing absolutely

[t] Cap. Quadragesima, de Consecr. dist. 5. et cap. 2. sect. Cum autem de Observ. Jejun.

[u] Lib. 2. Fast.

in your case: if you will, be at the charge and go to a physician: for, it may be, if you live in the country, you have a learned man within ten or twenty miles, or it may be forty, and upon all occasions you may know of him, whether your case requires ease; or, it may be, it requires leave this day, but you cannot have your answer so soon, and the case will alter by to-morrow; and Hippocrates[x] said, that "senes facillime ferunt jejunium," "old men bear fasting better than young men:" and though Cardan hath, upon that aphorism, spoken according to his usual manner many ingenious things, yet whether you will put your conscience upon him or no, is a material consideration. But then if you be sick, you must know whether fasting can consist with your condition: for not every sickness can excuse you from the holy fast of Lent; or if you may not eat fish, yet you may be obliged to the single refection, or to the time. But that which is of material consideration is, that though you be not well, yet, it may be, your fasting will do you no great hurt, and if it be but little, it must not be stood upon; for fasting is intended to be an affliction of the body, and therefore you must not be too hasty to snatch at ease and liberty. But however, if you will inquire of learned men, you may have from the physicians some twenty or thirty rules, by which you may guess, when, and in what diseases, you are excused from the quality of the diet; when you are dispensed in the time; when in the frequency; when you must exchange one for the other: and to this purpose you may inform your conscience by reading Vallesius,[y] Cardan, Hollerius, Zacutus Lusitanus, Paulus Zacchias,[z] Alphonsus à Fontech,[a] Cognatus,[b] Arnoldus de Villanova,[c] Petrus Hispanus and his author Isaac. And if you can find them agree, and that your case is described, and their rules be rightly applied, and the particulars be well weighed, and the judgment not biassed by ease and fear and too great a care of your health, you might do well, if it were not for one thing; and that is, that physicians are not to be trusted, for they will speak excellent reason for the securing of your health, but they think they are not to answer concerning the state of your soul; and therefore they lean too much upon the wrong hand for your satisfaction, especially because Lent falls in the spring equinox, in which we are very apt to sicknesses. But then if we pretend to be excused by reason of labour and travail, every man must judge for himself: and yet there are, in this, a great many things to be considered; for it must be a considerable diminution of our strength, and a great inanition of spirits, that can dispense with us in this so great a law: but how great that must be, if we be judges, we shall be too favourable; if others judge, they cannot tell; and if we fear to be gentle to ourselves, we may be too rigorous, and by the laws of fasting break the laws of charity. But then, it may be, our labour is to come, and it will be necessary, that we lay in stowage beforehand, lest we faint by the way. And it is a great labour for a man to hunt all day, or to manage the great horse.

——— Leporem sectatus equoque
Lassus ab indomito, vel (si Romana fatigat
Militia assuetum Grecari) seu pila velox,[d]
Molliter austerum studio fallente laborem.

A little thing will weary a soft person, and a long sport will tire a strong man: and may not these put in their plea for a pleasant or an early meal? for hungry men will plead hard. And the labour of the mind is also a great weariness to the bones; and who shall tell me how long I must study, before I may be allowed not to keep the punctualities of Lent; for the thinking man must be fed tenderly, and furnished with finer spirits. But then who shall come into this license, is worth inquiring; whether not only the hard student, but the preacher that speaks long, and thinks little: whether schoolmasters, advocates, orators, judges; for every one would be glad of a little liberty. And if the bodily labourer shall be excused, whether all trades that sit long, and work easily, as shoemakers, tailors, glovers, bookbinders, may pretend to an exemption; for though Azorius is so kind as to except most of these, yet others do not. And what shall the poor man do? his rule is commonly to eat, when he can get it, and if he be at a friend's house, must he refuse to eat, because it is not his time? or must he starve, because there is nothing but flesh?

Unde fames homini vetitorum tanta ciborum est? OVID.

Certainly he can hardly be tied to the measures and rules of eating ecclesiastically, that, every day, is in dispute, whether he shall, or shall not, have something that he may eat naturally: but yet he is to inquire, whether he be tied on those days to fast, when he can be provided for. And it would also be known, whether a poor man is not tied to refuse flesh and require fish, where it can be had; and whether he is not bound first to spend the fragment of his fish-basket before his bits of flesh, and keep them only for necessity; and whether he may be secretly pleased, that he hath that necessity put upon him, that he hath flesh but no fish. There are also some hundreds of questions more, that might be considered; some are pleasant cases, and some are sour; some can be determined, and some cannot. But the great case of conscience, in this whole affair, is, what great good that is, which this law of Lent, thus conducted, can effect,—which can no other ways be effected,—and which can be greater than the infinite numbers of sins, and doubtings, and scruples, and fears, and troubles, and vexations, and sicknesses, and peevishness, and murmur, and complaints, and laborious arts of excuse, and cheating the law, and slavery, and tyranny, occasioned and effected by it.

9. For although fasting is not only an excellent ministry to some parts of religion, but of health also,

Accipe nunc, victus tenuis quæ quantaque secum
Afferat. In primis, veleas bene.[e]——

[x] Lib. 1. aphor. 13. [y] De Victus Rat. in Acut.
[z] In Specim. med. Christ. Lumin. 2.
[a] Lib. 1. Var. Lect. cap. 18. [b] Libell. de Esu Carnium.
[c] Comm. in Isaac. de diæta particul.
[d] Horat. Serm. lib. ii. Sat. 2. [e] Ibid.

yet all the world knows that long fasting is the most destructive thing in the world to our bodies, and breeds diseases sharper and more incurable than fulness and intemperance; and therefore the canon law[f] forbids a fast of two or three days, and a fast beyond our strength. Therefore it is certain, that the church cannot command a long fast: and therefore, in the beginning of the custom of Lent, it was but a fast of one day, or two at most, eating at night. And although this fast was then a fast of liberty, and permitted to every one's choice: yet it might be enjoined in every government, according to the fore-described measures. But that instead of a fast, the church should prescribe a diet, an ill diet, not only unpleasant, but unwholesome, and that with so much severity, and with so much danger, and so many snares, is no exercise of that power which Christ hath given her, but of that power which is usurped, ill-gotten, and worse administered. It is against the law of charity, and therefore ought not to be a law of the church; that men be tied for forty days together to keep from their usual diet, not to be temperate, but to be vexed and ruled, this I say is uncharitable, and therefore unlawful.

Hoc hic quidem homines tam brevem vitam colunt.
Cum hasce herbas hujusmodi in suam alvum congerunt,
Formidolosas dictu, non esu modo:
Quas herbas pecudes non edunt, homines edunt:[g]

As the cook in the comedy complained, "Eating herbs and ill diet make men to live such short lives." —And what interest of religion is served by eating fish and nettle-pottage, is not obvious to him that hath tried it, or can consider it.

Thestylis hanc nimio pultem sale fecit amarum;[h]

death and sickness are in this pot. And I remember to have heard a friar, none of the meanest of his order, say, that he never kept Lent for a long time together but, at Easter, he had a great fit of sickness: and therefore as the canonists say, that a future labour and weariness may legitimate the breach of the strict measures of the law, as well as if it be actual and present; so may the fear of sickness as well take off the obligation, as when it is present: and of this, every man that is not of an athletic health, hath reason to be afraid.

10. But that which relates also very much to the law, though not so much to us, is this, that all this trouble is for little or no good; if there be any good in it, it is relative, and transient, and contingent, and inconsiderable, and without hazard otherwise to be acquired. For though fools and poor folks are sometimes pressed with the evils of such a change of diet, yet the witty and the rich can change all that law into the arts and instruments of pleasure. For the greatest feasts and the greatest epicurisms use to be in fish. So he in the comedy,

Musice hercle agitis ætatem; ita ut vos decet:
Vino et victu, piscatu probo, electili
Vitam colitis,[i]

Wine and choice fish make music at the table.

Nam in re præsenti, ex copiâ piscariâ
Consulere licebit.[k]

They are forbid no sorts, no quantity, no delicacies, of fish or wine. And if this be objected to them, they answer, that fish is less pleasant, less nutritive, than flesh, and therefore wisely chosen by the church to be the entertainments of our Lenten table: but if you object, that fish is therefore not to be eaten because it is unwholesome, breeds ill juices, and afflicts the body;[l] they answer, that we are mistaken; that fish is a delicacy; that Alexander the Great was so delighted with little fishes, that he would send them for presents to his dearest friends; that Suetonius tells the same of Augustus Cæsar; that Bullinger tells that the Rhodians esteemed them, that loved and lived much upon fish, to be gentlemen and well bred,—and all other, clowns and of a rude palate; that Julius Cæsar at one triumphal feast entertained his guests with eight thousand lampreys; that the great feast which Metellus made, and which we find described in Macrobius,[m] was especially made costly and delicious with the fish there presented.

——quo pertinet ergo Proceros odisse lupos?

He therefore that objects against the severity and affliction of the Lenten diet, knows not the arts of feasting; and complains of the church for a stepmother, when she is not only kind, but fond also of making such provisions. But if fish be unwholesome, then eat herbs, but at no hand flesh.

Parcite, mortales, dapibus temerare nefandis
Corpora. Sunt fruges, sunt deducentia ramos
Pondere poma suo, tumidæque in vitibus uvæ:
Sunt herbæ dulces, sunt, quæ mitescere flammâ,
Mollirique queant. Nec vobis lacteus humor
Eripitur, nec mella thymi redolentia flore.
Prodiga divitias alimentaque mitia tellus
Suggerit, atque epulas sine cæde et sanguine præbet.
Carne feræ sedant jejunia.[n]

For lions and wolves, tigers and bears, eat flesh; but God hath provided great variety of other things besides flesh. In some places, milk is permitted, —in all, herbs, and fruits, and broths: and these are agreeable to a weak stomach; according to that of St. Paul, "Qui infirmus est, olus manducat;" "He that is weak, eateth herbs;"—it is the argument of Bruyerinus.[o]

11. But I shall make a better use of it, if I shall observe that St. Paul gives it as a note of infirmity, when christians, upon pretences and little arguments, shall not dare to eat flesh, but instead of them eat herbs;—they are weak in the faith that do it; and do not consider, that flesh can as well be sanctified by the word of God and prayer, as lettuce and asparagus: and that a little flesh and coarse and common, will better serve the end of fasting,—and that fasting better serves the end of religion, than variety of fish, and a belly filled with fruits, and

[f] Cap. Non dico, &c. non Mediocriter. de Consecr. dist. 5.
[g] Pseudol. act. 3. scen. 2. [h] Mantuan.
[i] Mostell. act. 3. scen. 2. [k] Casina, act. 2. scen. 8.
[l] Vide Paul. Zacchiæ Quæ. medico-legal. lib. 5. tit. 1. quæst. 2. lib. 2. de Conviv. cap. 25. vide Athenæum, lib. 1. Deip. cap. 25.
[m] Lib. 3. Saturnal. cap. 13. [n] Ovid. Met. xv.
[o] De Re Cibar. lib. 8. cap. 1.

wine, and superstition. All, or any thing, of this may be done in discipline, and with liberty: but because it may be unfit for so very many, and for all at some time, and may produce much evil, and hath in it no more good than to give us cause to say that it may be used, it is a very unfit thing to become the matter of an ecclesiastical law, a trouble and danger to the body, and a great snare to the conscience, which it may entangle, but it can never cleanse.

——Pinguem vitiis, albumque, nec ostrea,
Nec scarus, aut poterit peregrina juvare lagois.[p]

To eat fish or herbs is of so little use in religion, it is so trifling an exercise of the body by restraining the appetite, that besides that all "bodily exercise profiteth but little," this is so little of that, as it is conducted, and as it is even in the very permissions of the law, that it is not worth all this discourse about it: only to rescue the conscience from such snares and little entanglements is of great concernment. Fasting is very good to some purposes, at some times, and to some persons: but laws regard that "quod plerumque est;" and therefore, in the matter of a periodical and long continued fast, cannot but be uncharitable and unreasonable, and therefore when there is cause for such injunctions, they are to be pressed with argument and exhortation, not by empire and necessity. For supposing the law otherwise without objection, yet he that fasts against his will, does not serve God; and therefore externally to be forced to do it, is not a lawful exercise of ecclesiastical power.

12. The sum is this. If it be the fast of one day, it may be indicted by our lawful superior, with the measures of prudence and charity, and according to the needs of the church. But if it be the fast of many days together,—it is a burden, and therefore not to be exacted, lest it be uncharitable. But if there be a law, the law ought to bend in all the flexures of reason and a probable necessity, and to prevail only by the reason of the thing, not the force of a command. But if it be no fast, but a change of diet, it is of so little profit, that it will not recompense the trouble, and will turn into superstition, and will more minister to evil than to good, and is not properly the matter of an ecclesiastical law, and the bishop hath no power to make a law in this matter: it is not for God, and it is not for religion, but for vanity, or empire, or superstition.

13. This only I am to add in order to the determination of our conscience in the practice of this inquiry, that if there be a law made by the civil power for the keeping Lent, then it is for civil regards, and the law is not for superstition, but therefore to be observed, as other civil laws are, with the same equity and measures of obedience; of which I am to give further accounts in the chapter of the interpretation and diminution of human laws. But if it be still an ecclesiastical law, indicted and suggested by the spiritual power, and only corroborated by the civil power, and for them efformed into a law, then it obliges the conscience no otherwise, than it did, and ought to do, in the hands of the spiritual power; that is, only when the law is for good, and not for evil,—with christian liberty, and not a snare,—when it is fit to be persuaded, and ought to be complied with,—then and there it may be indicted, and is to be obeyed accordingly.

[p] Horat. Serm. lib. ii. Sat. 2.
[q] 1 Cor. xiv. 26. Ephes. iv. 29.

RULE XX.

Ecclesiastical Laws must ever promote the Service of God and the Good of Souls; but must never put a Snare or Stumbling-block to Consciences.

1. THE holy primitives, in their laws and actions, ever kept that saying of the apostle in their eye and in their heart, Πάντα πρὸς οἰκοδομὴν γενέσθω, "Every word, every action, must be" πρὸς οἰκοδομὴν τῆς χρείας, "for the use of edifying."[q] Let all things be done for edification: and therefore much more must laws, which have a permanent causality and influence upon the actions of the church; for therefore they are either a permanent good or evil.

2. When the churches had hope of converting the Jews by gentleness and compliance in some outward rites, the church made laws of combination and analogy, of continuation and correspondence in some observances. Thus the apostles, at the council of Jerusalem, indicted the abstinence from blood, as being infinitely offensive to the Jews, and apt to estrange their hearts from the whole religion of them that ate it. And therefore the law was made, that it might cement the stones of the spiritual building, and the Jews and gentiles might make the two walls of the church. But when the Jews refused to come in,[r] and excepting the remnant only (of which St. Paul speaks) which were saved, the rest grew to hate the Lord of life, then the church considered, that to use their liberty would be for the edification of the church of the gentiles; and then they remembered that "Moses had given the Jews flesh, but forbade them blood, but Christ gave us both flesh and blood, and forbade neither:" and therefore they returned to that use of it, that was most for charity and liberty, instruction and edification. Upon the same account, though the church was kind to the Jews, yet they would take care not to offend any of her children by retaining words, that might abuse them into a good opinion of their religion; and therefore, at first, they abstained from the name of priest, and temple, as is to be observed in Justin Martyr, Ignatius, and Minutius. At the first the christians kept the Jewish sabbath; but in the council of Laodicea[s] it was forbidden; and in the seventieth canon of that collection, which goes under the name of the apostles, which was published much about the same time, the christians are forbidden "neque jejunia cum Judæis exercere, nec festos dies agere, nec quæ in ipsorum celebritatibus xenia mittuntur, accipere;" "to keep the Jewish fasts, or feasts, or to receive their presents," viz. of

[r] Vide ult. caput 2. libri.
[s] Can. 29.

unleavened cakes, which, upon those days, they usually sent abroad. And the reason of the prohibition is, lest judaism should be valued, and lest christians be scandalized at such compliance, as Zonaras and Balsamo note upon that canon of the Laodicean council, but is more fully discoursed by Constantine upon the keeping of Easter, as Eusebius[t] reports in his life.

3. To this end all laws and canons must be made; not only for that great reason, because "the end of the commandment is charity," and of all ecclesiastical government is "the building up the church in love;"[u] but because the church hath no power to make laws which are not for edification: and this the apostle testifies twice[x] in one epistle, using the same words; that the power and "authority which the Lord had given to him, was for edification, not for destruction." And this is not only so to be understood, that if the church makes laws, which are not for edification, she does amiss; but that she obliges not, her laws are null, and do not bind the conscience. For it is otherwise here than in civil laws: right or wrong, the civil constitutions bind the body or the soul; but because the verification of the laws of the church is in the hands of God, and he only materially and effectively punishes the rebellious against this government, it is certain he will do only according to the merit of the cause, and not verify a power which he hath forbidden. But in the civil courts, there is a punishment that is exterminating or afflictive, which can punish them whom God will finally absolve. Therefore it is, that when the church does any thing beyond her commission, she does no way oblige the conscience, neither actively nor passively: the church punishes no man temporally, and God will not either temporally or eternally afflict those, who do not obey there, where he hath given no man power to command. And this is greatly to be observed in all the cases of conscience concerning ecclesiastical laws. If we understand, where the spiritual power can command, where she can exhort and ought to prevail, we have found out all the measures of our obedience. But if she goes beyond her commission, she hurts none but herself; for she hath nothing to do with bodies, and our souls are in safe hands. And the case is much alike, in case the spiritual law be bound by the civil power: for the king, when he makes laws of religion, is tied up to the evangelical measures; and if he prevaricates, he does indeed tie us to a passive obedience, but the conscience is no otherwise bound; and he is to govern Christ's church by the same measures, with which the apostles did; and the bishops their successors did, and ought to do, before the civil power was christian. For he hath no more power over consciences than they had; and therefore he ought not, by the afflictions of the body, to invade the soul: but if he does, ἔχει δύναμιν, ἀλλὰ μὴ ἐξουσίαν, "he hath power" over bodies, "but no authority" over the conscience. This being considered, the rule hath effect in the following particulars.

4. (1.) This rule is to be understood positively and affirmatively; that is, the church in all her constitutions must take care, that the church be edified and built up in some grace or other: but not so, that whatsoever is for edification she hath power to command. The measures and limits of her legislative power I have already described;[y] it must be within those circles: and though other things without them may be useful, and fit for instruction, or to promote the interest of a virtue; yet Christ hath left them at liberty, and his church hath no power to bind beyond his commission. They can exhort and persuade, and, by consent, they can prescribe; but to the making of a law there is something else required, besides that it be apt to edify or to instruct. For (besides that it must be of something placed in her power) it must edify, and not destroy; it must build up, and not pull down; that is, it must build with all hands, and not pull down with one.

5. I instance in the institution of significant ceremonies, that is, such which are not matters of order and decency, but merely for signification and the representment of some truth or mystery. Those which are prudently chosen, are in their own nature apt to instruct. Thus the use of pictures in the Greek and in the Lutheran churches is so far useful, that it can convey a story, and a great and a good example to the people that come thither, and so far they may be for edification. But because these can also, and do too often, degenerate into abuse and invade religion,—to make a law of these is not safe; and when that law does prevail to any evil that is not easily by other means cured, it does not prevail upon the conscience: and indeed to make a law for the use of them, is not directly within the commission of the ecclesiastical power.

6. But there is also more in it than thus. For although significant ceremonies can be for edification to the church in some degree, and in some persons; yet it is to be considered, whether the introducing of such things does not destroy the church, not only in her christian liberty, but in the simplicity and purity and spirituality of her religion, by insensibly changing it into a ceremonial and external service. To the ceremonial law of the Jews nothing was to be added, and from it nothing was to be subtracted; and in christianity we have less reason to add any thing of ceremony, excepting the circumstances and advantages of the very ministry, as time and place, and vessels and ornaments, and necessary appendages. But when we speak of rituals or ceremonies, that is, exterior actions or things besides the institution or command of Christ, either we intend them as a part of the Divine service, and then they are unlawful and intolerable; or if only for signification, that is so little a thing, of so inconsiderable use in the fulness and clarity of the revelations evangelical, that besides that it keeps christians still in the state of infancy and minority, and supposes them "always learning, and never coming to the knowledge of the truth," it ought not to stand against any danger or offence, that can, by them, be brought to any wise and good christians.

[t] Lib. 3. cap. 17. [u] Ephes. iv. 16. [x] 2 Cor. x. 8. xiii. 10. [y] Rule 1—4 of this chapter.

7. In some ages of the primitive church, and in some churches, they gave to persons to be baptized milk and honey or a little wine, (as we read in Tertullian[z] and St. Jerome,[a]) to signify that those catechumens were babes in Christ; and in a rebus to recommend to them that saying of St. Peter, "As new-born babes, desire the sincere milk of the word." Now besides that this was not usual, to give hieroglyphics where they had plain precepts, and to give signs of things that were present and perceived, it was of very little use, so that all churches that I know of have laid it aside. It was also a custom anciently, when they brought the bread and wine to the altar or cummunion table, to present milk along with it; and this also did signify nutrition by the body and blood of Christ. But the council[b] of Bracara forbade it upon this reason, "quia evidens exemplum evangelicæ veritatis illud offerri non sinit," "because Christ did no such thing, and commanded no such thing;" and therefore nothing is to be added to those ceremonies, which Christ left. And indeed if the church might add things or rituals of signification, then the walls might be covered with the figures of doves, sheep, lambs, serpents, birds,—and the communion-table with bread, wine, herbs, tapers, pigeons, raisins, honey, milk, and lambs, or whatever else the wit of man or the nature and sense of the mysteries might invent or import. But concerning such things as these, the judgment of Balsamon[c] is this; "Eos malefacere arbitror, qui in ecclesiâ columbas emittunt pro Spiritus Sancti adventu; et qui pro illâ stellâ, quæ novo modo apparuerat, et erat admirabilis, cereos accendunt; et qui arcanam et salutarem Domini, et Dei, et Servatoris nostri Jesu Christi generationem toro strato exprimunt; et quæ sunt supra rationem et mentis cogitationem, humanis adinventionibus describunt:" "To let a pigeon fly to signify the coming of the Holy Spirit; to light up candles to represent the Epiphany; to dress a bed to express the secret and ineffable generation of the Saviour of the world;" to which he might have added, to prepare the figure of the crucifix, and to bury an image to describe the great sacrifice of the cross for the redemption of mankind: these are things to no purpose: not only for the levity and theatrical gaieties and representments unbefitting the gravity and purity and spirituality of christian religion; but also the manner of teaching these truths by symbolical things and actions, is too low, too suspicious, too dangerous, to be mingled with the Divine liturgies. Christ may, as he please, consign his own good things that he gives us; but he consigns no good, and represents none, but what he also gives and effects in that ministration and under that sign: but a symbolical rite of human invention to signify what it does not effect, and then introduced into the solemn worship of God, is so like those vain imaginations and representments forbidden in the second commandment, that the very suspicion is more against edification than their use can pretend to. But if any such ritual or ceremony be introduced by custom or by consent, it ought to be used as men use their champignons; they boil them in three or four waters, cleansing them both by water and fire, before they be used at all; much more before they be persuaded into a law.

8. (2.) But when they can be innocently used, that is, when they can be made useful, and yet be innocent in themselves, yet it is to be taken care of, that they may not only by their abuse, or by mistake, but that by their number they be not troublesome and inconvenient. This advice I learn from St. Austin, in whose time the church had gone beyond her rule and beyond her power in the introducing, or permitting to be introduced, very many significant ceremonies; every one of which he could not directly blame, but yet they were servile burdens, and intolerable besides, by their number and their load. "Etiamsi[d] non intelligatur quomodo contra fidem sunt, tamen quoniam onerant religionem, et servilibus oneribus premunt quam Christus voluit, paucissimis et manifestis celebrationum sacramentis, liberam esse; propterea faciunt ut tolerabilior sit conditio Judæorum, qui etiamsi tempus libertatis non agnoverunt, legalibus tamen sarcinis subjiciebantur, non humanis præsumptionibus:" "Although it is not to be understood, how these things are directly against the faith, yet they burden religion, and load with a servile pressure her, whom Christ left free and charged only with the two sacraments; therefore our case is worse than that of the Jews; for though they had not a time of liberty, yet they were charged only with burdens that God imposed, but not with the presumptions of man:" which words are a severe condemnation of such laws and customs ecclesiastical. And therefore there is reason to celebrate and honour the wisdom and prudence of the church of England, which hath, in all her offices, retained but one ritual or ceremony, that is not of Divine ordinance or apostolical practice, and that is, "the cross in baptism:"—which though it be a significant ceremony, and of no other use, yet as it is a compliance with the practice of all ancient churches,[e] so it is very innocent in itself: and, being one alone, is, in no regard, troublesome or afflictive to those, that understand her power, and her liberty, and her reason. I said, she hath one only ceremony of her own appointment; for the ring in marriage is the symbol of a civil and a religious contract; it is a pledge and custom of the nation, not of religion: and those other circumstances of her worship, are but determinations of time and place and manner of a duty; they serve to other purposes besides signification, they were not made for that, but for order and decency, for which there is an apostolical precept, and a natural reason, and an evident necessity, or a great convenience. Now if, besides these uses, they can be construed to any good signification or instruction, that is so far from being a prejudice to them, that it is their advantage, their principal end being different, and warranted, and not destroyed by their superinduced and accidental use. In other things we are to remember, that figures and shadows were for the Old Testament, but light and

[z] Lib. 1. contr. Marcion. [a] Dial. adv. Luciferianos.
[b] Cap. 1. [c] In Can. 82. synod. 6. in Trullo.
[d] Epist. 119. cap. 19.
[e] S. Cyprian. de Lapsis: et epist. 56.

manifestation is in the New. And the Egyptians indeed did teach religion by symbolical figures; and in the eastern empire, their laws were written with characters and abbreviatures; and in the schools of Plato and Pythagoras they taught their scholars by numbers and figures; and Diodorus of Tarsus, and Origen, brought in an allegorical way of expounding the scriptures; and almost wholly, but certainly too much, left the literal and simple way of interpretation; and so do the perfectionists and some others at this day: but we that walk in the light of the gospel, and rejoice in that light, have received from Christ and his apostles an easier way of teaching the people; and are not therefore to return to the elements and rituals of the Jews and pagan schools. Christ left no sign but two, that did also effect as well as signify: and if they had only signified, and done no other good, we have no reason to believe that they would have been appointed. But this thing is gone into so great inconvenience in the church of Rome, that there are not only so many ceremonies as do fill a book "in folio;" but the reasons and significations of them are offered to us by Durandus, Durantus, Vicecomes, and others: but it is certain that all the propositions and mysteries, signified by them, are very much sooner learned than the meaning of those ceremonies. But that those rituals or circumstances of liturgy, the actions, gestures, habits, and instruments, of order and decency be also significant, gives an advantage to the things themselves, and makes their first intended ministry of some more usefulness.

9. (3.) Ecclesiastical laws are not then for edification, when they give offence to the wise and to the good, to the lovers of peace and the obedient to government; that is, when there is in their nature so much real evil, or so much cause of jealousy, of which the lawgivers cannot purge them, that the good and complying principles that are in the good subjects, cannot be sufficient to give them entertainment. But of this the lawgivers are to be the judges; and if they insist upon them when there is cause enough to lay them aside, they "sin against their brethren, and they sin against Christ." But the laws themselves do not bind, if the exceptions against them be just and reasonable and sufficient: which whether they be or no, the church rulers shall judge at present, and God shall judge at last: and in the mean time, there can be no other rule given, but that the superior and inferior endeavour, by all ways of prudence and humility, to satisfy one another. A peaceable mind and willingness to learn, and a charitable exposition, are the just dispositions of the subject's duty; and the governors are to take all the care of souls, that can be supposed to be the duty of spiritual fathers: and if these things be done, there will be no hatred, and no reproach, and no schism. But if the question be who shall yield, the governors certainly have authority, and the others say they have reason: the one ought to be pitied, and the other ought to be obeyed; but both ought to yield: only the subject must yield outward obedience, though otherwise it were not necessary, yet if it be lawful, it accidentally becomes so; and if it be not lawful, or if he thinks it is not, yet he must be careful he give no offence, but modestly, humbly, and without reproach, offer his reasons against the law. But then the governors also must yield: they must not consider how much is possible for them, but how much is fit; they must meditate nothing of empire, but much of charity; they must consider which will do most good to the souls, to whom they do relate; they must with meekness instruct the gainsayers, and with sweetness endeavour to win them, and bear with the infirmities of the weak, if they can perceive the weakness to be innocent. But if a crime be mingled with it and be discerned, it is matter of edification, that such criminals be discountenanced, and the authority be immured and kept from contempt. But in these and the like accidents, the Spirit of God must be invocated and implored and endeared, that, by his aids, the church may be safely and wisely and charitably governed. Whoever wants wisdom, must ask it of God; and God will be easily entreated to do good, and to give good things.

10. This only is to be added, that according as the matter of the laws is of advantage, or necessity, or only of convenience more or less, so are the governors of churches and guides of souls to be more or less easy in dispensing or annulling their laws: till then, neither the rulers nor the subject can, by any other means, be excused from sin, but by a hearty inquiry, and a sincere humble labour to do their duty to each other, according to the best of their understanding. For if this does not prove a just compliance, it will at least preserve peace and innocence; and though the first is best, because it includes these, yet these are the next best.

11. (4.) Ecclesiastical laws that encourage and adorn, and add degrees and moments and zeal to the service of God, are good ministries of edification; and till by excess or accident they convert into evil, are of themselves fit to minister to religion.

Of Music in Churches.

Thus the use of psalmody or singing of psalms, because it can stir up the affections, and make religion please more faculties, is very apt for the edification of churches. The use of musical instruments may also add some little advantages to singing, but they are more apt to change religion into air and fancies, and take off some of its simplicity, and are not so fitted for edification. "Ad disciplinas aliquid artificiale organum non esse adhibendum," said Aristotle, as he is quoted by Aquinas;[f] "Artificial instruments are not fit to be applied to the use of disciplines:" —that is, the music of instruments of itself does not make a man wiser, or instruct him in any thing. This is true, and therefore they are not, of themselves, very good ministries of religion. But vocal music, being natural, and the action of a man with the circumstance of pleasure, if it come to invest religion, is of great use, as all the experience of man can tell. Instruments may guide the voice, and so they may be used; but they are but a friend's friend to religion, and can have no near relation to the service of God. Justin Martyr,[g] asking the question, why

[f] 22æ. q. 91. art. 2. [g] Quæst. 107. ad Orthod.

the church uses songs in her liturgy, after the manner of the unwise and weak under the law,—answers, *οὐ τὸ ᾄσαι ἁπλως ἐστι τοῖς νηπίοις ἁρμόδειον, ἀλλὰ τὸ μετὰ τῶν ἀψύχων ὀργάνων ᾄσαι, καὶ μετὰ ὀρχήσεως καὶ κροτάλων*, "that merely to sing is not proper to weak and ignorant persons,—but to sing with inanimate instruments, with dancings and with timbrels: therefore in the churches we do not use hymns with such organs or intruments."—And St. Chrysostom [h] saith, that those instruments were permitted to the Jews "ob eorum imbecillitatem," "for their weakness:" and he adds, "As the Jews did praise God by all the instruments of music, so we are commanded to praise him with all our members, our eyes, our tongues, our ears, our hands."—The same thing is also affirmed by Isidore Pelusiot;[i] "Since God permitted sacrifices and effusions of blood for their childishness, it is no wonder that he did tolerate that music, which is made by the harp and psaltery." But then in relation to us, he expounds that psalm to signify not literally, but mystically. By "the sound of the trumpet" he understands "the memory of the resurrection;" by "psaltery and harp," our "tongue and mouth;" by "timbrel and dances," our "body and mind;" by "every thing that hath breath," "every spirit;" angels and men are called upon to praise the Lord. But now upon this account we may easily perceive the difference of vocal from instrumental music in churches; this being but typical of that, and permitted then when they knew not so well to use their voices and tongues to praise the Lord. And certainly the difference is very material: not only because we find these wise men saying that instruments were typical and permitted *διὰ νηπιότητα*, "for their tenderness and infancy;" but also, because, by the voice and tongue, we can properly and directly serve God, and as well by singing as saying, and better, if it be better: which can never be said of instrumental music: which though I cannot condemn, if it be used as a help to psalmody, yet it must not be called so much as a circumstance of the Divine service; for that is all can be said of vocal music. But of this the use is very great, and I will only represent it in the words of Justin Martyr; [k] Ὑπολέλειπται τὸ ᾄσαι ἁπλῶς, "Simple and plain singing is left in churches. For this stirs up the mind with a certain pleasure unto an ardent desire of that, which is celebrated in the song; it appeases the desires and affections of the flesh; it drives away the evil thoughts of our enemies, that are invisible and secretly arise; it makes the mind irriguous and apt to bring forth holy and Divine fruits; it makes the generous contenders in piety valiant and strong in adversity; and it brings a medicine and remedy to all the evil accidents of our life. St. Paul in his spiritual armoury calls this 'the sword of the Spirit:' for it is, all of it, the word of God which is celebrated, in the mind, in the song, and in the verse: it drives away evil spirits, and the pious mind is, by the songs of the church, perfected in virtue." The eulogy is fair and large: but yet all wise and sober persons do find fault, when the psalmody, which is recommended to us by the practice of Christ and his apostles, does sensibly pass further into art than into religion, and serves pleasure more than devotion; when it recedes from that native simplicity and gravity, which served the affections and holy aspirations of so many ages of the church; when it is so conducted, that it shall not be for edification, that is, when it is so made accurate and curious that none can join in it but musicians, and they also are not so recitative, they do not sing and express the words so plainly, that they which hear do understand; for by this means the greatest benefit and use of edification are lost: as appears in those words of St. Basil,[l] who when he had highly commended *τῆς μελῳδίας τερπνὸν τοῖς δόγμασιν ἐγκαταμιχθὲν*, "the delight of melody mingled with heavenly mysteries," he adds, *Διὰ τοῦτο τὰ ἐναρμόνια ταῦτα μέλη τῶν ψαλμῶν ἡμῖν ἐπινενόηται*, "For this cause were the tunes of harmonious psalms devised for us," that they which either are young in years, or novices in instruction, might, when they think they sing, have their souls instructed in the truth. *Ὦ τῆς σοφῆς ἐπινοίας τοῦ Διδασκάλου, ὁμοῦ τε ᾄδειν ἡμᾶς καὶ τὰ λυσιτελῆ μανθάνειν μηχανωμένου*, "O the great wisdom of our heavenly Master, which, at the same time, designs to have us pleased and instructed to perfection by the singing of psalms!" But in this and all things like this, the rulers of churches are to do that which most promotes the end of their institution. "Salus populi suprema lex esto," is a rule, which in this affair hath no exception: the salvation of one soul is more than all the interests in the world besides.

12. (5.) Although counsels evangelical, being observed, are greatly for the glory of God and for the edification of the church; yet it is not for edification that they be enjoined, and therefore make not the proper subject and matter of ecclesiastical laws; and the reason is, all that wisdom by which God was moved not to enjoin it, even because all men cannot take it, and few men will; and the imposition is not *ζυγὸς χρηστὸς*, "a gentle yoke," but is a perpetual snare. For here is the difference between things indifferent and counsels evangelical, though alike they be left under no command by God, for several reasons: for things, in themselves indifferent, are too little for the service of God, and counsels evangelical are too great for our strengths; and therefore God will not be worshipped by those, and he will not put any necessity upon these: but yet those may be made matter of human laws, because they may become useful to many purposes; but counsels cannot be made into laws, not because the nature of the things themselves will not bear the load of a commandment, but because our natures will not; and therefore they are to be advised, encouraged, preached, practised, commended, and rewarded; any thing but enjoined, or made into necessary duty. And indeed, when we consider that counsels of perfection are a direct worship of God when they are performed, and that God only is to make laws of his own worship and direct religion, and that in

[h] In Psalm cl. [i] Lib. 1. ep. 457. [k] Ubi supra. [l] In Psalm.

these he would make no law, because these should not become necessary, but the instruments of a voluntary service, that in these things we might show our love, as in the matter of his laws we show our obedience; the church cannot have a power legislative in these, for she is the mouth of Christ, to command what he commands, to exhort to what he exhorts. And as the church cannot make that to be a part of the Divine worship which God hath made so, and therefore things indifferent may become ministries and circumstances of religion, but no parts of it; so neither can any thing be otherwise a Divine worship than God hath made it; and therefore man cannot make that to be a necessary worship which God hath not made so, but hath choosingly and wisely left to the choice of our will and love. And to this sense was that saying of Athenagoras in his apology for the christians, "Deus ad ea, quæ præter naturam sunt, neminem movet," "God moves no man to do things which are besides his nature;"—that is, he urges no man to do such things, which must suppose great violence to be done to nature.

13. But the great matter in this whole affair is, that counsels evangelical, when they are not left at liberty, become a snare; not only because they are commonly great violations of our desires, or great invasions of our interests, and therefore fit only to be undertaken by a very few, and after a long experience of their strength: but also, because though they be excellencies in themselves, yet, in some cases and in some conjugations of circumstances, they do destroy another duty: as giving all our goods to the poor, hinders us from making provision for our relatives; a state of celibate exposes us to a perpetual ustulation; and then, either by our contrary state of affairs, or by our unequal strengths, pull down that building which they intended to set up. Some canonists say, that the church forbids a mutual congression of married pairs upon festival-days; upon which days the Jews thought it a special duty, but the heathens abstained: but how if one be willing, and the other is not? he shall be put to dispute between two duties, justice and religion, and shall be forced, like him in the satire, to ask pardon for doing of his duty;

> Ille petit veniam, quoties non abstinet uxor
> Concubitu sacris observandisque diebus.[m]

The council of Eliberis commanded abstinence from conjugal rights for three or four or seven days before the communion. Pope Liberius commanded the same during the whole time of Lent; "quia pene nihil valet jejunium, quod conjugali opere polluitur;" supposing the fast is polluted by such congressions: but because this relied upon an heretical stock that marriage is unclean, and scarce to be allowed to be holy,—of itself it seems unreasonable: but when they commanded that those which were married, should that day communicate, and they that did communicate, should that night abstain (but that they had no power to command any such thing); the law itself laid a snare for souls; and, if it could have changed the action into a sin, would have engaged most married pairs to become sinners.

14. Upon the same account, but upon very much more reason, those churches, which enjoin celibate to all their numerous clergy, do unreasonably and uncharitably; they have no power to make any such law; and, if they had, they ought not to do it, upon the account of this rule,—because they ought not to lay a stumbling-block and a stone of offence in their brother's way.

Of the Marriages of Bishops and Priests.

15. Now concerning this, I shall, (1.) Consider the purpose and influence of the rule upon it. For if this be a stone of offence, if this law be directly and regularly a snare to consciences, it is certain it is an ungodly law, and of no obligation to the subjects of any church. Now this relying upon experience, and being best proved by the event of things, will be sufficiently cleared by the testimony of those wise persons, who have observed the evil and wished a remedy by annulling the law.

16. Æneas Sylvius,[n] who was afterward Pope Pius II., said that the single life of the clergy was upon good reason at first introduced, but that for better reason it ought now to be let alone and taken off. And of the same mind was Panormitan;[o] saying that "we are taught by experience, that from this law of celibate, not continency but a contrary effect does follow: for the priests do not live spiritually, neither are they clean, but are polluted with unlawful mixtures, to their great sin and shame, whereas it were chastity if it were a society with their own wife." And indeed the scandal was so great, the stories so intolerable, their adulteries so frequent, their lusts so discovered, and the accidents so ridiculous, that the clergy became the contempt and jest of buffoons and drunkards, and the pity and shame of wise and sober men. And it was a strange thing, which, in the history of the council of Trent, is told out of Zuinglius,[p] that writing to the cantons of the Swisses, he made mention of a law or edict made by the magistrates their predecessors, that every priest should be bound to have his proper concubine, that he might not insnare the chastity of honest women; adding, that though it seemed a ridiculous decree, yet it could not be avoided, unless the word "concubine" were changed into "wife," and the permission, before given to unlawful concubinate, might be given now to lawful marriage. And who please to see instances more than enough to verify the infinite scandals given by the unmarried clergy generally, may be glutted with them in Henry Stephen's Apology for Herodotus. But if he be less relied upon, as being a friend to the complaining side, the testimony of Cassander[q] will not so easily be rejected, saying, "If ever there was a time for changing of an old custom, certainly these times require it; when all the best and most religious, acknowledging their infirmity, and abhorring the turpitude of perpetual fornication, if publicly they dare not, yet privately they marry."

[m] Juven. Sat. vi.
[n] Platina in Vitâ Pii II. et Sabellicus Ennead. 10. lib. 6.
[o] In cap. Cum olim de Cleric. Conjugat.
[p] Vide etiam Sleidan. lib. 3.
[q] Art. 23.

And they that did not, did worse: "for things (saith he) are come to that pass, that scarce one in a hundred abstains from fellowship of women." And Alvarus Pelagius,[r] telling sad stories of the incests, uncleanness, and fornications, of the priests and friars, tells of their gluttony, their idleness and ease, their pride and arrogancy, their receiving boys into their houses and cloisters, their conversation with nuns and secular women; that it is no wonder there is among them so impure a clergy, that so many good men have complained, and all have been ashamed of it. And therefore upon this account, we may consider the evils, which the church suffers by such a law, which permits their clergy to walk in the fire, and commands them not to be burned [or rather not that so much, but they forbid them the use of cold water]: I say, we may consider the intolerable scandals, the infinite diminution of spiritual good, the great loss and hazard of souls, when fornicators and adulterers, pæderasts and the impurest persons, shall, by their sermons and common talk, dishonour marriage,—and, at the same time, put their polluted hands to the dreadful mysteries, and their tongues to sing hymns to God, and to intercede for the people, who, the night before, have polluted the temples of the Holy Ghost, and defiled them unto the ground. But I had rather these things were read in the words of other men, and therefore I shall remit the reader that would see heaps of such sad complaints, to the "Via Regia" of Weicelius, to Andreas Fricius Modrevius "de Matrimonio Presbyterorum," and in his Apology;[s] Albertus Pighius;[t] Dominicus Soto;[u] the "Centum Gravamina Germaniæ;"[x] John Gerson;[y] Polydore Virgil.[z] Many more might be reckoned, but these are witnesses beyond exception; especially if we add that the complaints were made by wise and grave men many ages together, and that their complaints were of an old canker in the church, that could never be cured, because the spiritual physicians did see, but would not take the cause away. For this thing we find complained of by St. Bernard, Rupertus Tutiensis's contemporary, who compares the clergy of that age to the Nicolaitans, whom God hated for their uncleanness; by the author of the book "de Singularitate Clericorum" attributed to St. Cyprian;[a] by Gulielmus Durandus[b] in his book "de Modo Concilii Generalis Celebrandi;" St. Hudelricus bishop of Augsburg, who wrote against the constrained single life of priests to Pope Nicolas: Robert Holkot;[c] Nicolaus de Clemangiis;[d] Petrus de Alliaco;[e] Totastus;[f] Platina in the life of Pope Marcellinus. The scandal must needs be notorious and intolerable, when so many persons of the engaged party, of the Roman church, whence all this mischief came, durst so openly complain, and wish the annulling of the law of single life to the clergy, or that the spirit of purity were given to all that minister to a pure religion, the religion of Jesus Christ. But the thing itself was its own indication: it was a black cloud, and all good men abhorred it: for things came to that pass, that the bishops' officials took annuities from all their parish priests for licenses to keep concubines; and if they came to a continent person that told them, "he kept none," they replied, that "yet he must pay, because he might if he would;" as is reported by divers of their own, particularly by the "Centum Gravamina," and Espencæus in "Epist. ad Titum, cap. 1." I end this with the words of Martinus Peresius; "Multis piis visum est, ut leges de cœlibatu tollerentur propter scandala;" "Many pious persons have thought it necessary, that the law of priests' single life should be taken away by reason of the scandals which it brings." For St. Paul[g] was so curious, even in this very instance, that when he had but commended the ease and advantages of the single life to all christians in regard of the present necessity, and the affairs of religion under persecution, he presently claps in this caution,—I speak not this to lay a snare before you, "sed vestro commodo:" If any of you find it for your ease or advantage, well and good; but, at no hand, let it be a snare.

(2.) But that which next is considerable, is, that this law is an intolerable burden. So said Paphnutius in the Nicene council; he called it ὑπερβολὴν τῆς ἀκριβείας, "an excess of exactness:" and therefore, when some bishops would have had it made into a law, he advised the contrary; "Nolite gravare jugum ecclesiasticorum," "Lay not a load upon the ecclesiastic state; for 'marriage is honourable in all men, and the bed undefiled:'" adding, "that all cannot bear that institution of life that is void of all affections; and as he supposed, no man should be saved in his chastity, if husbands were deprived of their wives, but that such society was continence and chastity." So Gelasius Cyzicenus[h] tells the story. And though Turrain the Jesuit would fain make the world not believe it, yet he hath prevailed nothing. For it is not only related by Gellasius, but by Ruffinus;[i] by Socrates; Sozomen; by Aurelius Cassiodorus the author[k] of "the Tripartite History;" by Suidas;[l] Nicephorus Callistus;[m] and by Gratian.[n] And the synod did obey the council. And therefore the third canon of that council cannot be understood by any learned man to be a prohibition to the clergy to marry: it forbids a bishop, a priest, or deacon, συνείσακτον γυναῖκα ἔχειν, "to have a woman introduced," unless she be a mother, a sister, or an aunt, that is, one of whom there can be no suspicion. "Mulierem extraneam," "A woman that is not a domestic;" so Ruffinus,[o]

[r] De Planctu Ecclesiæ, lib. 2. art. 73.
[s] Cap. 20. lib. 4. de Eccles.
[t] Controvers. 15. sub initio.
[u] Lib. 7. de Just. et Jur. q. 6. art. 1.
[x] Gravam. 75. et 91.
[y] De Vitâ Spirit. Animæ, sect. 4. corol. 14. prop. 3.
[z] De Invent. Rerum, lib. 5. cap. 4.
[a] Lib. de Conversione ad Clericos, cap. 20.
[b] Part. 2. tit. 46. [c] 183. Lect. in Sapient.
[d] De Corrupto Eccles. Statu.
[e] De Reformatione Eccles.
[f] Opusc. contr. Clericos Concubinat. Concil. ult.
[g] 1 Cor. vii.
[h] In actis concil. Nicen. Paris. impres. cap. 3. p. 170. Acta ipsa è Vatican. Bibl. prodierunt; latina facta sunt ab Alfonso Pisano et Rober. Balforeo Scoto.
[i] Hist. lib. 1. cap. 4. [k] Lib. 2. cap. 14.
[l] Verb. Paphnutius. [m] Lib. 8. cap. 19.
[n] Cap. Nicen. dist. 31. [o] Hist. Eccl. lib. 1. cap. 6.

Fulgentius Ferrandus,[p] and the fourth council of Toledo,[q] expound the word *συνείσακτον*. For, by that time, the opinion of single life had prevailed both by right and by wrong: for in the three hundred years of danger and persecution, many that were under the cross, would not entangle themselves with secular relations, but fight naked and expedite; but besides this, the Nicolaitans, and the Encratites, and the Manichees, and the Montanists, and the Gnostics, and the Priscillianists, had so disgraced marriage, and pretended such purities to be in single life, that it was very easy in that conjunction of affairs to insinuate it into the zeal and affections of some less discerning persons, who, not being content to have marriage left at liberty, as it was during the whole three hundred years, would needs have it imposed; not discerning, in the mean time, that amongst those who pretended to the purities of celibate, some would yet bring women into their houses, —so did the Hiracitæ, as Epiphanius[r] reports of them, pretending they did not marry them, but made them housekeepers: they were their "gallants," mere Platonics, or, as they called them, "sisters;"[s] but they would kiss and embrace tenderly, and sometimes sleep together, but still would be thought virgins; as we find in an epistle of St. Cyprian,[t] where he commands such persons to be thrust from the communion of the faithful, unless they would either marry, or leave the communion of their women:—for that gloss had not yet invaded the persuasions of men, which since hath prevailed: "Sacerdos amplectens mulierem, præsumitur benedicere," "If a priest embrace a woman, it is to be presumed he only gives her a blessing." And the same St. Chrysostom[u] tells of them, in some homily he made against those that brought in such women. They were "the companions of their single life;" so Budæus renders the word: but it was usual amongst the christians of those ages, virgins to bring in men, and monks to bring in women: but these were condemned by the council of Nice; who yet did not prevail, but that they who might have wives or husbands, had rather have such friends and companions; which nevertheless gave infinite scandal and reproach. St. Gregory Nazianzen speaks of them with no good will or commendations at all:

> Τὰς δὲ συνεισάκτους, ὡς δὴ φάσκουσιν ἅπαντες,
> Οὐκ οἶδ' εἴτε γάμῳ δωσομεν, εἴτ' ἀγάμους
> Θήσομεν, εἴτε μέσον τι φυλάξομεν· οὐ γὰρ ἔγωγε
> Κἂν με λέγητε κακῶς τὸ πρᾶγμ' ἐπαινέσομαι.

"He neither knew how to call them,[x] whether married or unmarried, or between both;" but at no hand was that kind of life to be commended: but much less was it to be endured, that men by new laws should be crushed to death or danger under an intolerable burden. This was the sense of the Nicene council. And the same thing was affirmed by Dionysius bishop of Corinth, to Pinytus bishop of Gnossus: *Μὴ βαρὺ φορτίον ἐπάναγκες τὸ περὶ ἀγνείας τοῖς ἀδελφοῖς ἐπιτιθέναι*, "The heavy yoke of abstinence ought not to be imposed upon the brethren."—And of this the chancellor of Paris,[y] a good man and a wise, discourses gravely. "Christ our most wise Lawgiver hath left rituals or judicials to their choice, of whom he said, 'He that heareth you, heareth me;' but yet so that they should know they are set over others for edification, not for destruction: and that they should judge according to the law of God, which is the general rule for all the professors of christian religion under Christ, who is their general abbot; not enlarging it, not restraining it, or making it harder than Christ expressed it, when he said 'his yoke is easy, and his burden is light.' For the prelates of the church have not power to bind their subjects to any thing, which is not delivered in the evangelical law professed by all christians; they have no other authority than abbots have over their monks, who, according to the doctrine of St. Thomas, and other doctors, cannot command their monks any other thing than what they have professed in their rule." Now whether this be a burden or no, will need no inquiry, when there is not in all the laws of God so much difficulty as in this very thing; insomuch that, without a special gift of God, it is impossible. I need not, to prove this, tell the sad stories of some saints, who have fallen foully by the solicitations of their own nature: or how that youth, in which age many enter into holy orders, is a state of flames and danger; that St. Jerome[z] complains of it in his own particular, "scitis lubricum adolescentiæ iter, in quo et ego lapsus sum," he lost his glory of a virgin-body when he was young: but I consider that those persons, who have undertaken it, and had eminent graces, and were persons of rare and exemplar sanctity, yet could not preserve their virgin, without almost destroying their body. Evagrius the priest used to go into a well in a winter's night,—St. Bernard into a lake,—to cool their burnings; St. Francis used to roll his naked body in snows; St. Omar, in nettles; St. Benedict, upon thorns; St. Martinian, upon burning coals, to overthrow the strongest passion by the most violent pains. And were not that law intolerable, that should command all ecclesiastics to do such things; they must do these, or worse: I speak of those, who have not the gift of continence. For to say that all men have it, or may have it, if they will labour and pray for it,—is to speak against reason, and Scripture,[a] and experience. It is easier to give our bodies to be burned for religion, than to live innocently in the state of perpetual burning: and supposing those saints now enumerated, did, by these violent remedies, keep themselves from pollution,—yet it is not certain, that they took the better part, when they chose ustulation before marriage, expressly against the apostle, who not only said, that it is better to marry than to fornicate, but, "better to marry than to burn:" and that these

[p] Cap. 122. [q] Cap. 41. [r] Hæres. 67.
[s] Ἀγαπητὰς apud Epiphan. Hæres. 63.
[t] Epist. 62. [u] Orat. 17. et orat. 18. edit. Savil.
[x] Videat lector qui velit plura de censu hujus vocabuli et canonis, Gabrielem Vasquium in 3. disp. 247. cap. 4. et Michaelem Medinam, lib. 2. de Continentiâ, cap. 21. et Georgium Calixtum de Conjug. Cleric. p. 174.
[y] De Vitâ Spirit. Animæ, ubi supra.
[z] Epist. 43. ad Chromatium.
[a] 1 Cor. vii. 7. Matt. xix. 11.

violences did cure their burning, is so false, that they do suppose them afflicted with burnings, and that therefore they were constrained to use violent remedies. For those, which men invent, are infinitely worse than that which God hath appointed; so easy it was by marriage to cure what they found scarce possible to keep from the extremest mischiefs, but not possible to do in all degrees, by mortifications. And therefore St. Jerome[b] speaking of virgins that did not do their honour to virginity by real continence, he advised them, "ut aut nubant, si se non possunt continere; aut contineant, si nolunt nubere;" "that they would contain if they will not marry; or marry if they cannot contain:" not only if they cannot contain from outward acts of uncleanness, but even from the secret desires of it, and from burnings. "Quid enim prodest (saith he[c]) corporis pudicitia, animo constuprato?" The chastity of the body is of no profit, if the desires be burning and dishonest.

Casso saltem delectamine
Amare quod potiri non licet.

So the burning is well described in the comedy. "Uri est illegitimo coitu aut fœdis cogitationibus se polluere;" said Alfonsus Virvesius;[d] "To burn, is to pollute ourselves with unlawful mixtures, or with filthy thoughts; and these desires are not to be cured by mortifications and corporal austerities. "Nella guerra d' amor, chi fuge, vince," saith the Italian proverb. There is no contesting against this passion; even to dispute against it is a temptation,—even to fast and to be hungry does enkindle the flame. "Fames et sitis exasperat et incendit animos," said Seneca; "Hunger and thirst make a man angry:" and anger and lust are fed by the same fuel.

—— Mea cum deferbuit ira,
Nolo prognatam consule——

A spare and temperate diet gives no extraordinary maintenance to the desire, and therefore it was advised and practised in all ages; but there is enough of desire in ordinary; even that which maintains health, will keep up that natural desire; and that which destroys health, destroys chastity, and hinders us more in the service of God than it can set forward. And St. Jerome[e] says, that he had known them of both sexes, who have, by too much abstinence, turned mad, and lost their wits. They that from God's mercy have received strengths to live singly and purely, may use it as it serves best for God's glory, and the interest of their souls, and their own intermedial comforts. But it is to be considered, that it is not only a gift of God that some men can contain, but it is a peculiar gift that they will: and it is observed by wise and good men, that this desire hath or hath not respectively been inspired by the Spirit of God in several ages of the church according to their present necessities; and when God gives the gift, then every thing will help it forward. But in the present manners and circumstances of the world, as there is no public necessity of it, so there is no great care taken to acquire it; for there where the unequal laws of men have brought a necessity upon their clergy, it is with them as with those of whom Epiphanius[f] complains; "Ut ne confundantur apud homines, occulte scortantur, et, sub solitudinis aut continentiæ specie, libidinem exercent:" "They pretend purity in public, and fornicate in private."—And it is certain, that such courses are no fit means to invite the spirit of purity to invest and adorn the church. Neither is prayer a certain way of obtaining this gift, any more than of the gift of a healthful or a strong body; for God requires it of none of us directly; if accidentally he does require it, he will give him wherewithal; but therefore the apostle does not say, but "if a man does not contain, let him pray," but "let him marry." It is sufficient that God hath given a remedy, that is easy and infallible to all that love God; and it is best to use that remedy, which is best, and was by the best physician provided for all that need. "Oportet compati et commetiri doctrinam pro virium qualitate, et hujusmodi qui non possunt capere sermonem de castitate, concedere nuptias,"—said St. Cyril:[g] "Every one's strength must be measured, and so fit our doctrines to their proportions, and to grant marriages to them, who cannot receive the word of continence." And therefore what St. Austin[h] said of widows, may be exactly applied to ecclesiastics; "There are some that call them adulterous, if they marry: and so pretend themselves purer than the doctrine of the apostle, who, if they would confess their name, 'mundanos potius se quam mundos vocarent,' 'they would prove to be servants of interest rather than of purity.' For they compel the widows [the ecclesiastics] to burnings, because they suffer them not to marry. But we are not to esteem them to be wiser than the apostle Paul, who saith, 'I had rather they should marry than burn.'"—And like to this is that of St. Jerome;[i] "Si quis consideret virginem suam, i. e. carnem suam, lascivire et ebullire in libidinem, nec refrænare se potest, duplex illi incumbit necessitas, aut capiendæ conjugis, aut ruendi," "He that considers his virgin, that is, his flesh, and observes it troublesome and boiling into desires, and cannot refrain himself, hath a double necessity upon him; either he must take a wife, or he must perish." And therefore they that pretend the gift of continence is in every man's power, should do well to give God thanks, that they find it so in their own; but yet they should also do well to believe others, who complain that they have it not. St. Bernard's[k] wish was something to the same purpose of charity and security, "Utinam qui continere non valent, perfectionem temerarie profiteri, aut cœlibatui dare nomina vererentur: sumptuosa siquidem turris est, et verbum grande, quod omnes capere possunt;" "I wish that they who cannot contain, would be afraid to profess perfection, and undertake single life; for

[b] Ad Demetriad. Virg.
[c] In Jeremiam, lib. 2. cap. 7.
[d] Philippicâ 18.
[e] Epist. 8.
[f] Lib. 6. hæres. 60.
[g] In Levit. lib. 15.
[h] Lib. de Agone Christian. cap. 31.
[i] Contra Jov. lib. 1.
[k] De Convers. ad Clericos, cap. 29.

this is a costly tower, and a great word that all cannot receive." Æneas Sylvius having gotten a lady with child, to his father that was troubled at it, he replies,[l] "in suâ potestate non fuisse ut vir non esset," he could not help it.—And when Origen had resolved to live continently, he found no course but one would do it, even by making it impossible to be otherwise; and he was followed by many, particularly by the Valesi. And Leontius, who was afterward chosen bishop of Antioch by the Arians, having a woman in his house, one of the *συνείσακτοι*, of which I spake before,—being commanded to put her away, emasculated himself that he might have leave to sleep with her: but that uncharitable folly produced a good law against it. For what chastity is that, or what service of God is it, for a man to offer to God a single life when he hath made himself naturally impotent? "It is (that I may use St. Basil's[m] expression) as if we should commend a horse for not hurting any man with horns."—But I observe it for this purpose, to represent upon what terms the gift of continence was to be obtained by some who would fain, but by this act showed plainly that they could not.

> Propterea leges quæ sunt connubia contra
> Esse malas——prudentia patrum
> Non satis advertit——quid ferre recusat,
> Quid valeat natura pati. Cervicibus (aiunt)
> Hoc insuave jugum nostris imponere Christus
> Noluit. Istud onus, quod adhuc quamplurima monstra
> Fecit, ab audaci dicunt pietate repertum.[n]

And therefore those laws that command single life to so many thousands of priests, Italians, Spaniards, Frenchmen, which are none of the most continent nations of Europe, are a snare to those that cannot keep them, and a burden to them that would, and intolerable to both. So Origen[o] complains of some imperious and imprudent persons, who, in his time, would be commanding single life and virginity; "Non solum quæ docent non faciunt, sed etiam crudeliter et sine misericordiâ injungunt aliis majora virtute ipsorum, non habentes rationem virium uniuscujusque:" "They not only do not what they teach, but cruelly and unmercifully enjoin to others things greater than their strength, not regarding the measures of every one." For it is a burden bigger than the weight of all the laws of Jesus Christ put together, except to such persons who are eunuchs by nature, or have received a particular gift of God; of which they may make use, as they find other things concurring. For to be able to contain is one gift, and to be willing is another; and after all, that this can promote any end of religion is but accidental, and depends upon a special providence and economy of affairs. It may be useful in some times, and to some persons, and to some purposes; but of itself, it is no act of religion, no service of God: and that is the next consideration.

18. (3.) The law of celibate is an unreasonable law, and besides that it does very much mischief to souls, it does no good at all. For if single life have in it any greater purity or spirituality than chaste marriages, yet even that single life is more acceptable when it is chosen and voluntary; and if it be involuntary and constrained, it is not pleasing to God: so that the law in this case does effect nothing but this, that they who are willing, may lose something of the reward,—or may be uncertain, whether they do or no; and they that are unwilling, are constrained either to hypocrisy, which will bring them an evil reward,—or to a burden and slavery, which shall bring them none at all. But that which I intended, is this:

19. (4.) That all this stir is to no purpose; for virginity is not more holy than chaste marriage; and the one does not more advance religion than the other directly, but by accident, and in some circumstances, and as an instrument fitted for use in its own time. For as St. Austin[p] observes well, "St. Paul does modestly dehort from marriage, not as from an evil, but as from a burden:" neither is his advice for all times, but for that present necessity; neither is it to the clergy, but to all christians; neither is it for religion, but for convenience; neither was it from the Lord, but from himself; nothing of the gospel or spirituality, but a matter of prudence, and the exterior conduct of affairs. For *τίμιος ὁ γάμος*, and *κοίτη ἀμίαντος*, "marriage is honourable," it is so to all; and such mixtures have in them nothing that "defiles." And he that is perfect in his constitution, if he be also so much a virgin as to have nothing that defiles, is a rare person, but, it may be, not to be found; but if he be, yet he does arrive but to that state of things, in which the married man is, even when he does actually use his greatest liberty, he is *ἀμίαντος*, "undefiled."—Which thing if the zealots, in some of the first ages of the church, had rightly observed, they would not have been so fierce for single life upon the account of heretical principles. For they did it, because they supposed marriage to be a pollution; and if they did not expressly condemn it upon that stock, yet they secretly suspected it, as not being confident of the truth of the apostle's words, but suffering themselves to be a little abused by heretical sermons, though they did not openly join in their communions and professions. The council of Gangra notes such persons as these, that refused the communion from the hands of a married priest; but in the fourth chapter pronounces anathema against them: and St. Ignatius[q] says, that "they who call the society of married pairs 'corruption,' and 'pollution,' have the devil, that great apostate, dwelling in them." For what state of life can be purer than that which is undefiled? and from whence shall we take the measures of purity, but from the fountains of our Saviour, from the Holy Scriptures, the springs of salvation? but to this the first ages of the church gave apparent witness. "Perfecti christiani edunt, bibunt, contrahunt matrimonium," said Clemens Alexandrinus;[r] "Perfect christians eat, and drink, and make marriages;" and therefore the *τελείωσις ἱερατική*, "the perfect state of orders" is not at all impugned or diminished by marriage. Sozomen[s] tells of Bishop Spiridon, *ἐγένετο γὰρ οὗτος ἄγροικος, γαμετὴν καὶ παῖδας ἔχων*,

[l] Epist. 15. [m] Extrem. libro de Verâ Virgin.
[n] Baptista Mantuan. in Vita Divi Hilarii.
[o] In Matt. tract. 24. [p] De S. Virginit. cap. 16.
[q] Ad Philadelph. [r] Lib. 7. Strom. [s] Lib. 1. cap. 11.

ἀλλ' οὐ παρὰ τοῦτο τὰ θεῖα χείρων, "he was a plain man: he had wife and children, but not at all the worse, not at all hindered in Divine things."—The same also is said of Gregory,[t] bishop of Nazianzum, the father of St. Gregory the divine; and St. Basil: "Etsi matrimonio se vinxit, ita tamen in eo vixit ut nihil propterea ad perfectam virtutem ac philosophiam consequendam impediretur:" "He comported himself so in the state of marriage, that he was not at all hindered for obtaining the perfection of virtue and christian philosophy." And indeed what should hinder him? for marriage does not. "Matrimonium[u] non solum nihil nobis obstat ad philosophandum Deo, si voluerimus esse sobrii, sed et magnam adfert consolationem; comprimit enim insanum naturæ impetum, nec turbari sinit quasi mare, sed efficit ut scapha feliciter in portum appellet: et ideo Deus consolationem hanc tribuit humano generi;" "For if men will be sober, marriage is not only no hinderance to christian philosophy, but also brings great aids and comfort: for it represses the mad violences of nature, and causes that we be not troubled like the enraged sea, but makes the vessel arrive safely to her port; and therefore God hath given this comfort to mankind."

20. For although it be true that, as St. Paul[x] says, "the married cares for the things of the world, the unmarried for the things of the Lord;" he, how he may please his wife,—this, how he may be holy both in body and spirit;—yet this is so far from disparaging holy marriage, or making it less consistent with the dignity and offices ecclesiastical, that in the world there is not a greater argument to the contrary. For consider where every one's trouble, and where his danger, lies. The married hath more necessities and more affairs in the world, and relations to look after: which if he well provides for according to his power, he hath indeed suffered some secular trouble; but he hath done his duty, and he is safe. But the unmarried are alone, and without those relations; and therefore they may, if they will, let the things of the world alone, and mind the present employment; which then was the ministries and attendances evangelical. But though they have less care of the things of this world, yet their care, which lies in another scene, is a good care indeed, but it is very great and tender, and hath in it very great danger.

——pœnæque graves in cœlibe vitâ. AUSON.

The unmarried takes care, how she may be holy or clean in body and spirit. And this is a care not only of greater concernment than that of secular supplies, but to most persons, of extreme difficulty and danger. For it is to no purpose to be unmarried, unless they remain "pure in body and in spirit," that is, be free from carnal desires as well as unclean actions; and how great a care is required to this, I need not say, because all men that have tried it, know. But this care the married need not know any thing of; for they have by God a remedy provided for them, and they are in the holy state of marriage, without that care, holy both in body and mind; so that it is easy to say where the advantage lies. The one takes care to avoid want,—the other, to avoid damnation: the one hath troubles of this world; the other hath dangers of the other. The hardest province, which the married man hath, is how to please his wife; but his affairs are so well ordered, that he hath not such difficulties to please God as the other hath. Which thing was long since observed by St. Gregory Nazianzen,[y] that "indeed single life is higher and better, (if it be pure and undefiled,) but it is more difficult, and more dangerous; and marriage, which looks not so splendidly, is yet much more safe." But this comparison is true between persons married, and the unmarried that have the gift of continence; for even that gift does not exempt them from great dangers and great labours. But if there be any burning, if there be a fire within, it is ill dwelling in the house where there is no chimney: for that the smoke will fill every corner of the dwelling, and at least make a perpetual trouble. But between the married and the unmarried that hath not the gift of continence, which is far the greatest part of mankind, there is no comparison at all. And therefore, though in respect to that conjunction of affairs, to the beginnings of a persecuted religion, in which many of them were to live an ambulatory life, and suffer the spoiling of their goods, and be thrust out of their houses, the apostle had great reason to take care, lest, by the greatness and superfetations of trouble, they should be tempted to forsake, and be vexed out of their religion: yet abstracting from that consideration, the married estate is much more secure for the state of souls, "et propter eam, quæ in nuptiis est, animi tranquillitatem," as St. Gregory Nazianzen[z] affirms, "and for that peace of mind which is in chaste marriages," and is not in the state of single life with them, who are perpetually fighting with a dangerous enemy, who is not always resisted, and if he be, is not always put to the worst. And therefore it was rightly observed of St. Clemens Alexander,[a] "As single life, or continence, so marriage also hath proper gifts and ministries, which pertain unto the Lord." But at no hand ought it to be admitted, that marriage does hinder the service of the Lord; it sets it forward very much, but hinders nothing: it may be burdensome to those who are to travel and pass from country to country; but to them who fix in a place, and who attend the ministries of one people, it is no hinderance. And then to the direct service of God in our personal piety and spiritual safety, it is a very great advantage; concerning which, who please may read St. Gregory concerning his mother Nonna, and the epistles of Paulinus[b] concerning Amanda the wife of Aper, who were to their husbands admirable advantages, both in the affairs of the world and of religion. "Sanctissimus Samuel filios genuit: non tamen justitiæ suæ merita minuit. Zacharias sacerdos vir justus in senectute suâ genuit filium. Quâ ergo ratione accusatur, quod minime obesse proba-

[t] Greg. Naz. verba ex transl. Volaterrani.
[u] S. Chrysost. hom. 21. in Gen. [x] 1 Cor. vii. 34.
[y] In Fun. Gerga. [z] Ibid. [a] Stromat. 3.
[b] Inter epist. Augustini. epist. 27. et 29.

tur?" so St. Austin.—To which add the instance of St. Chrysostom[c] upon those words of Isaiah, "I saw the Lord:" "Quis ista loquitur? Isaias ille spectator cœlestium seraphim, qui cum conjuge commercium habuit, nec tamen extinxit gratiam:" "Samuel the most holy prophet, and Zachary that just priest, and Isaiah that seer, who saw the celestial seraphim, were not hindered from their greatest graces, favours, and perfections, by the state and offices of marriage." The event of this consideration I represent in the words of the same excellent doctor;[d] "Quamvis nuptiæ plurimum difficultatis in se habeant, ita tamen assumi possunt ut perfectiora vitæ impedimento non sint:" "Though marriage have in it very much difficulty, (in respect of domestic cares,) yet it may be so undertaken, that it may be no impediment to a life of perfection."—For even, in respect of secular cares and intrigues of business, the single life, which seems in this to have advantage, is not always found so innocent and disentangled; and yet sometimes even in this very regard, a married man hath, or may have, advantages, and ease, and liberty. "Videmus virgines de seculo cogitare, et matrimonio junctos Dominicis studere operibus," said St. Ambrose;[e] "Men of single lives take care for the world; and we see them that are married, study the works of the Lord." And if it were otherwise, yet a law to command single life were very imprudent; unless they would secure, that they who have no wives should have no children. But as Lipsius[f] said of the Roman senate, who forbade their soldiers to marry, "A Junone arcebant eos, non à Venere, Romanæ leges;" "The Roman laws forbade Juno to them, not Venus;" for "contubernii militibus semper jus," "the soldiers always might have women," but no wives. So it is amongst the Roman prelates too much: but unless this also were so denied them, that they could have no children, or that they who have no children, shall not be solicitous to raise a poor family, or to increase a great,—the law were very unreasonable as to this very pretence. For that things are otherwise there, where single life is enjoined, is too apparent, and it is complained of by Alvarus Pelagius[g] three hundred years ago, and by Platina[h] and Bonaventure,[i] and it is notorious in all the popes; divers particulars of which, in the instance of Sixtus V., are to be seen in the excellent Thuanus.[k] I end this consideration with the excellent words of Salvian:[l] "Novum prorsus est conversionis genus: licita non faciunt, illicita committunt. Temperant à conjugio, et non temperant à rapinâ. Quid agis, stulta persuasio? peccata interdixit Deus, non matrimonia:" "This is a new and a strange kind of conversion. They will not do lawful things, but they commit unlawful: they abstain from marriage, but not from rapine. O ye fools, why are ye so persuaded? God hath forbidden sins, not marriages."

21. Although these considerations are a sufficient explication of this instance of the rule, and verify the first intention, that single life ought not, by a law, to be enjoined to any one order of men;—yet, because the instance is of great concernment beyond the limits of this rule, I add, that the apostles and the first ages of the church not only forbade, that the clergy should put away their wives, but left it indifferent for any man, or any order of men, to marry; and therefore that it ought not now to be done by the present guides of churches, who have less reason so to do; and if they had a greater reason, yet they have a less authority. But Christ and his apostles left it free. Of this, besides the matter and evidence of fact, there being no law of Christ or canon of the apostles to restrain it, but a plain supposition of liberty, and intimation of the thing done in the epistles to Timothy and Titus, there needs no other testimony but that of Gratian:[m] "Copula sacerdotalis, vel consanguineorum, nec legali, nec evangelicâ, nec apostolicâ auctoritate, prohibetur;" "Neither the Old Testament nor the New, neither Christ nor his apostles, have forbidden the marriage of priests." To which agrees that of Panormitan;[n] "Continentia non est de substantiâ ordinis, nec de jure divino;" "To contain from marriage is not of Divine appointment, nor necessary to them that are in holy orders." The same also is affirmed by Antonius, as who please may see "in Summa," part. 3. tit. 1. cap. 21.

22. Now then nothing remains to be considered but the practice of the church, which how far it can oblige, I have already discoursed: but suppose it might in other cases, yet for the reasons above described, it ought to be altered in this; for if such a law may not bind, much less can the practice; and yet if the practice might, here was no catholic practice. For as for the whole Greek church, the practice of that is drawn into a compendium by Pope Stephen:[o] "Aliter se orientalium traditio habet ecclesiarum, aliter hujus sanctæ Romana ecclesiæ; nam illarum sacerdotes, diaconi et subdiaconi, matrimonio copulantur:" "The tradition of the eastern churches is otherwise than that of the Roman church: for their priests and deacons and subdeacons are joined in marriage." I shall therefore add no more to this confession but the canon of the council of Ancyra,[p] which orders, that if deacons, in their ordination, will profess that they cannot contain, and that they intend to marry, they may.—But if then they profess otherwise, and do against their profession, they must cease from their ministry. And the practice is to this day, that the Greek and all the eastern priests are, if they please, married men, and most of them actually so: though in the eastern churches, they always did exhort their clergy to continence, yet they left it to their liberty, and they always took it.

23. In the Latin church, from the time of Pope Siricius, and the second council of Arles, which Binius makes about the same time, at the end of the

[c] Quæst. Vet. et Nov. Test. qu. 127.
[d] In 1 Ep. Tim. hom. 10.
[e] In 1 Cor. vii.
[f] Ad. 14. annal. n. 74.
[g] Lib. de Planctu Eccles. 2. art. 15. A. D. 1330.
[h] In Johan. 16.
[i] 4 Dist. 27. art. 1. q. 3.
[k] Hist. lib. 100.
[l] Lib. 5. de Provident. Dei.
[m] 26. qu. 2. cap. Sors.
[n] De Cleric. Conjug. cum olim.
[o] Distinct. 31. cap. Aliter.
[p] Dist. 28. cap. 8.

fourth age after Christ, there were some canons provincial enjoining single life to the clergy; but the practice was ever against the canon: and as for the first four hundred years or thereabouts, all had liberty to be married, if they pleased; so even afterwards they would take it, as they saw cause. This we find in St. Jerome, who to Jovinian, objecting the marriage of Samuel, answers, that this was no prejudice to the honour of the virgin state, "quasi non hodie quoque plurimi sacerdotes habeant matrimonia, et apostolus describat episcopum unius uxoris virum:" "for the apostle describes a bishop the husband of one wife; and even at this day most priests are married."—St. Jerome did not contend, that all priests ought to be virgins; but if they that could contain, would, it were much better. But by this, the matter of fact against the law was evident. St. Ambrose[q] tells, that in most remote or private churches the priests did use marriage: "In plerisque abditioribus locis, cum ministerium gererent vel etiam sacerdotium, filios susceperunt." The clerical marriages were, in his time, almost universal: and therefore many endeavoured to persuade single life as much as they could, and from arguments they came to affirmations, and so to laws by little and little; but did not prevail. For when Petrus Damiano was sent from Rome into France to persuade the priests to put away their wives, they defended themselves with the canon of the council of Tribur in Germany, and with the words[r] of St. Paul, "To avoid fornication, let every man have his wife;" to which the legate[s] knew not what to answer. And when, in the year 1074, Pope Gregory VII. sent fierce letters to Germany about the same affair,—the archbishop of Mentz,[t] to whose conduct the business was committed, did publish the letters, but durst not verify them; and neither, by fair means nor by foul, could cause the priests to put away their wives. And in England till the year 1100, it was not prohibited to the clergy to marry, saith Henry of Huntingdon; but then Anselm endeavoured to put the pope's letters in execution; and twenty-five years after, the cardinal of Crema[u] was sent over to the same purpose; but because he was taken in bed with a harlot, he got nothing but shame and money, and so went away. But at last, after the attempts,[x] and pressures, and tyranny, and arts of a hundred and thirty years' continuance, (for it began in 970, and was not finished till Anno Domini 1100, as[y] Polydore Virgil computes it,) the clergy were driven from their chaste marriages, and they took themselves to concubines, whom they could change or multiply, and they found themselves undisturbed in that; and so they rested, till God, being long provoked by their impurest services, awakened christian princes and priests into liberty and holiness and reformation. For amongst the canons which are called apostolical, the sixth severely forbids bishops or priests upon pretence of religion to put away their wives; according to the words of Christ, "What God hath joined, let no man put asunder;" and the words of the apostle, "Defraud not one another, unless it be by consent, and for a time." And therefore the church of Rome, which makes orders to dissolve marriage, and commands priests, which were before married, to depart from their wives,—speaks and does against the practice of the ancient churches, and against the decrees of councils, and the canons of the apostles, and the express laws of Jesus Christ. I end this with the saying of those in Mantuan.

> Tutius esse volunt, qua lex divina sinebat,
> Isse viâ, veterumque sequi vestigia patrum,
> Quorum vita fuit melior cum conjuge, quam nunc
> Nostra sit, exclusis thalamis et conjugis usu:

"The old primitives and holy bishops and priests in the first ages lived better with their wives, than now-a-days they do without them; and therefore it were better to tread in their footsteps, and to walk in that way, to which we are pointed by the law of God."

24. One thing I am to add, which is of material consideration. For every one observes in the story of the church, that even then, when they did permit the bishops and priests to live with their wives and to get children, yet the church did even then forbid bishops or priests to marry after their ordination; and therefore many suppose, that we might at least comply so far with the catholic church, according as it is set down in the Constitutions Apostolical attributed to St. Clement;[z] "non licere autem iis, si post ordinationem sine uxore fuerint, ad nuptias transire: vel si uxores habuerint, cum aliis conjungi;" "but they must be content with her, whom they had at the time of their ordination; but, after orders, they must not marry:" and Paphnutius in the Nicene council said, that "they did not do it, and left it as supposed that it ought not." Of this, I do not know any one that has given a reason, or considered it apart to any purpose; and therefore it will not be useless or unpleasant, if I give a short account of it.

25. (1.) Therefore the primitive church chose her priests and bishops commonly of great age, of known virtue and holiness. They were designed to a public and dangerous employment, for some whole ages they were under persecution, and the way of the cross was a great deletery to flesh and blood; and therefore they might the rather require it of them, whom in these dispositions they found fit to be taken into an employment, which would require a whole man, all his time and all his affections. Now if we consider, that the married priests and bishops were commanded to retain their wives, and the unmarried had been tried to be of a known and experienced continence, they might, with much reason and great advantages, require that they should remain; that

[q] De Offic. lib. 1. cap. ult.
[r] 1 Cor. vii. 2.
[s] Baron. A. D. 1059 et 1065.
[t] Apud Baron. A. D. 1075.
[u] Matt. Paris Hist. Anglor. A. D. 1125.
[x] "O bone Calixte, nunc omnis clerus odit te:—Nam olim presbyteri solent uxoribus uti:—Id prævertisti quondam, cum papa fuisti:—Ergo tibi festum nunquam celebrabit honestum." Sic non nimis facunde, sed vere, nimis questus est olim non nemo.
[y] Lib. 6. Hist. Angl. A. D. 970. Vide 27. q. 1. cap. ut lex. et Clem. cap. literas de filiis presbyter. et Innocent. cap. ut clericorum. de vitâ et honestate cleric.
[z] Lib. 6. Const. Apost. cap. 17.

is, they might ask their consent, and might trust their promise: for here was liberty, and but little danger. The priests were few, and the unmarried much fewer, and their age commonly such as was past danger, and the public affairs of the church required it, and the men were willing; and then all was right.

26. (2.) The Greek church, and generally the churches of the east, did, by custom and tradition, oblige their priests to single life, if in that state they were ordained; because they took care, that, if they could not contain, they should take a wife before their orders, immediately if they pleased, and then enter into the priesthood; as appears frequently in the Greek laws and canons, and particularly in the third novel constitution of the emperor Leo VI. So that this was but a circumstance of law, introduced for that which they apprehended to be decent; and in matters of decency, opinion is the only measure. But if they might marry immediately before their ordination, and live with their wives,—then it is evident they did not believe, that either the offices or the state of marriage were against the offices and state of priesthood. And this is affirmed by Cajetan:[a] "Nec ordo in quantum ordo, nec ordo in quantum sacer, est impeditivus matrimonii;" "Neither the order nor the appendant holiness," that is, neither the office nor its decency, "is impeded by holy marriages." And therefore he adds, "that it can never be proved by reason or by authority, that if a priest does contract marriage, he does absolutely sin; because the priesthood does not dissolve the marriage, whether contracted after or before;" "stando tantum in iis quæ habemus à Christo et apostolis," that is, "if we keep ourselves within the limits of Christ's commandments, and the doctrine apostolical." And that is well enough; for if any church or all churches did otherwise, the custom was not good, for many reasons: it did dishonour to marriage; it made it to be secretly suspected of some uncleanness; it gave too much countenance to heretics, who disparaged it; it made a snare to those, who promised continence and found it difficult or impossible; and at last it came to an intolerable mischief in the church of Rome, it brought in divorces, which God hates, for they teach that orders do dissolve marriage, and that, which Christ permitted only in the case of adultery, they command in the case of ordination.

27. (3.) But because there are some persuasions that will not be moved, unless they be shown some precedents and practices of the primitive church, and will always suspect it to be ill for the superior clergy to marry after ordination, unless you can tell them that some good men did so before them, for they rely more upon example than upon rule;—therefore I shall represent, that although the ancient canons and practices did generally enjoin their clergy not to marry after orders, (before orders they might,) yet this thing did not prevail, but deacons, priests, and bishops, good men and orderly, did, after ordination, use their liberty, as they found it necessary or expedient. This I have already remarked in the case of deacons, who are permitted by the council of Ancyra[b] to marry after ordination, if, at their ordination, they will not profess continence. But bishops and priests did so too: which is plainly gathered from those words of St. Athanasius to Dracontius, who refused to be made bishop because he impertinently thought it was not so spiritual a state as that of monks, since he saw the bishops married men and full of secular affairs; St. Athanasius answered him, that he might be bishop for all that, and keep on his way as he was before: for if that did hinder him, he let him know, that all bishops did not enter into the married estate, nor all monks abstain: "multi quoque ex episcopis matrimonia non inierunt; monachi contra liberorum patres facti sunt;" "many bishops did not contract marriages."—Now if none did, his answer to Dracontius had been more full, and would not have been omitted: and therefore it is manifest, that in his time some did. But Cassiodore[c] gives an instance in a bishop and martyr that took a wife but a little before his martyrdom, Eupsychius of Cæsarea in Cappadocia. "In illo tempore ferunt martyrio vitam finivisse Eupsychium Cæsariensem, ducta nuper uxore, cum adhuc quasi sponsus esse videretur." He was first a priest in Cæsarea, but afterwards he was a bishop; and so he is called by St. Athanasius,[d] who mentions Sylvester and Protegenes bishops of Dacia, and Leontius and Eupsychius bishops of Cappadocia, of which Cæsarea was the metropolis. "This Eupsychius, having newly married a wife,—while he was yet but as it were a bridegroom, gave up his life in martyrdom for Christ."—But this was no news in the Greek church; for Pope Stephen having affirmed that "the Greek priests, deacons, and sub-deacons, are joined in marriage," the gloss[e] says, "multi ex hac literâ dixerunt quod orientales possunt contrahere in sacris ordinibus;" "many from these words have affirmed, that the easterlings can marry in holy orders."—And it is also added by the gloss upon the same distinction, that "the Greeks, in their ordinations, do promise continence neither explicitly nor tacitly:" and if that be true, there is no peradventure, but very many of them marry after their consecrations. But because the Latin lawyers and canonists are none of the best historians, we may better inform ourselves in this particular from the Greeks themselves: amongst whom we find, that for almost two hundred years together after the synod in Trullo, the Greek priests had, after their ordination, two years' time for probation, whether they could bear the yoke of single life: and if they could not, they had leave to marry. For although the canons in Trullo had permitted them only to stay with the wives they had married before orders, and commanded that they should take none after;—yet the canon prevailed not: but the contrary custom, of two years' probation, lasted till the time of the emperor Leo VI., as appears in his third novel constitution before cited. The words are these; "Con-

[a] In quodlibet contr. Lutherum. [b] Cap. 10.
[c] Tripart. Hist. lib. 6. cap. 14.
[d] Orat. contr. Arianos.
[e] Dist. 31. cap. Aliter.

suetudo quæ in præsenti obtinet, iis, qui matrimonio conjungi in animo est, concedit, ut antequam uxorem duxerint, sacerdotes fieri possint, et deinde biennium ad perficiendam voluntatem jungi matrimonio volenti præstituit." They took their orders first, and then had two years' time to consider, whether they would marry or no. Now this being the custom of the whole Greek church, in which the bishops, because of the ordinations, were engaged, it is evident it was not illegal or irregular, but an approved custom of the church; though, before the end of two hundred years after the synod in Trullo, it was decreed against by an imperial law. What became of it afterwards, I have had no opportunity to inquire; but I find contrary relations by several persons. That which I most rely upon, is the relation of Erasmus, who in his Apology against the Parisians, says, that "in Venice he saw a Greek priest marry a wife:" and in the History of Johannes Magnus I find these words, "Wilhelmi Cardinalis prima cura et intentio fuit revocare Suecos et Gothos à schismate Græcorum, in quod presbyteri et sacerdotes, ductis publicè uxoribus, consensisse videbantur;" "Cardinal William endeavoured to recover the Swedes and Goths from the schism of the Greeks, to which they seemed to adhere, when their priests and bishops did marry wives publicly." By which it appears the Greeks did so, since the others by so doing complied with them. And the metropolitan of Russia, in Sigismundus Baro, calls it "a great error and sin in the Roman church, that they reject the priests, who marry wives according to the laws." But the matter is not great; for the church might do what they saw cause for.

28. But in the Latin church, it will be harder to find examples of priests marrying after orders. Not but that there were very many that did; but that they durst not be known to do it. But yet some notices we have even of this also. For Pope Innocentius II. observed, that "every where bishops, and priests, and the religious professed, did marry wives, after they had purposed the contrary," and by a decretal[f] restrains it. And Ivo, bishop of Chartres, tells[g] of a prelate that had two harlots; but (as it should seem) being weary of that life, he prepared matrimonial tables for a third; and he tells[h] also of a canon, in the church at Paris, who did actually contract marriage; and the bishop held it rate and firm, that it was good and could not be dissolved: and we find that Æneas Sylvius being consulted by a priest that was in the snare, he advised[i] him actually to take a wife and marry. For what should hinder? The law of the church was an evil law, made by an authority violent and usurped, insufficient as to that charge; it was not a law of God, —it was against the rights and against the necessities of nature,—it was unnatural and unreasonable, —it was not for edification of the church,—it was no advantage to spiritual life: it is a law that is therefore against public honesty, because it did openly and secretly introduce dishonesty;—it had nothing of the requisites of a good law,—it had no consideration of human frailty nor of human comforts, —it was neither necessary, nor profitable, nor innocent,—neither fitted to time, nor place, nor person: it was not accepted by them that could not bear it; it was complained of by them that could: it was never admitted in the east; it was fought against and declaimed and railed at in the west; and, at last, is laid aside in the churches, especially of the north, as the most intolerable and most unreasonable tyranny in the world; for it was not to be endured, that upon the pretence of an unseasonable perfection, so much impurity should be brought into the church, and so many souls thrust down to hell. And therefore when the Latin priests saw themselves so horribly insnared, they did secretly corrode the net, which openly they durst not tear in pieces. And the case is clear. Dominicus à Soto observing[k] that the church did not, for a long time, permit priests to marry after orders, argues thus: "The church admitted married men to be priests, but did not admit priests to be married men, meaning, afterwards: which thing, (saith he,) relies upon no other reason but this,—because they supposed the use of the marriage-bed to be inconsistent with the office and dignity of a priest or bishop. For if they who were bishops and priests, might use marriage, what hinders them but they might, after orders, enter upon marriage?"—That is his argument. To which I reply, that it is true, the church which was "æmula continentiæ," "desirous to promote continence," did set it forward, where she thought she might with safety; and therefore enjoined[l] her priests, which anciently could not be ordained till they were almost forty years of age, to remain in that state in which their ordination found them: though even this was a snare also, and could not be observed, and was not, as I have proved; yet this was not because they disapproved the conjugal society; for besides that the Scripture gives it a title of honour, and calls it "purity,"—it was also declared to be "chastity" in the Nicene council, who did therefore leave married priests and bishops to the use of it; and they who spake against the use of marriage in priests, and refused to pray with married priests, were anathematized in the council of Gangra. And it is evident that those, who were admitted in the state of marriage to holy orders, did παιδοποιεῖν, "beget children." St. Gregory[m] the Divine tells it of his father Gregory Nazianzen.

Πατήρ σε λίσσεθ', υἱέων ὦ φίλτατε,
Πατὴρ ὁ πρεσβὺς τὸν νέον·
Οὕτω τοσοῦτον ἐκμεμέτρηκας βίον,
Ὅσος διῆλθε θυσιῶν ἐμοὶ χρόνος·

That he said "he had been in holy orders longer than the age of his son;" and yet he had also a younger son than this Gregory; for Cæsarius was his younger brother. Baronius contends fiercely against this instance to convince the son of a poetical fiction, or an hyperbole, or some other civil word for a lie. But let it be as it was; yet the thing itself was infinitely evident; for, as Fabianus said, "Bishops and priests did, for a thousand years together in the

[f] 17. q. 1. cap. ut lex.
[g] Epist. 200.
[h] Epist. 201.
[i] Epist. 321 ad Johan. Fontem.
[k] Lib. 7. de Just. et jure, q. 6. art. 2.
[l] Justinian. nov. 123. cap. 13.
[m] Carm. de suâ vitâ.

church, live with their wives, 'nullâ lege prohibente,' 'no law forbidding it,'" that is, no law in force; and the council of Constantinople decreed,[n] "Si quis præsumpserit contra apostolicos canones aliquos presbyterorum et diaconorum privare à contactu et communione legalis uxoris suæ, deponatur:" "It is against the canons apostolical to forbid a priest or deacon the contract and society of his lawful wife; and he that shall presume to do it, let him be deposed."—Now then the argument of Dominicus à Soto is very good. If bishops and priests might use marriage, what hinders them from contracting marriage? There is no indecency in the thing, therefore no inconsistency with orders. Since therefore it is certain, that the married bishops and priests, not only in the Greek church, but even in the Latin, in Germany, in France, in England, where they kept their wives in despite of the pope for a long time, did retain the liberties and societies of marriage; there can be nothing in the thing that can make it unfit for them to contract marriages, to whom it is fit to use them.

29. There is but one thing more, which I think fit to be considered in this affair,—and that is, that there is a pretence of a vow of continence annexed to holy orders; and that therefore it is not lawful for bishops and priests to marry, when they have vowed the contrary, this indeed concerns them who have made such a vow, but not them that have not. But who made it necessary, that persons, to be ordained, should make such a vow? even they only, that made laws against the clergy's marriage: and because they durst not trust the laws which they made, they took order that men should become a law unto themselves, that they might be insnared to purpose. This vow was only introduced in the Latin church,[o] and enjoined to all her clergy: enjoined, I say, against the nature of a vow; which, if it be not voluntary, is no vow; which includes desire in its very name and nature. But orders do not include this vow in their nature, and it were intolerable that men should be forced from their wives against both their wills: that is a persecution, not an ordination; and it is so far from being for the advantage of the church, that it is expressly against a commandment of God, that "what he hath joined, any man should separate:" and yet we find many, in the primitive churches, by force made priests and bishops against their wills. St. Austin was taken at Tagoast, and made priest whether he would or no, but he was not married: but another good man was,—Pinianus, the husband of Melania, was ordained against his will and the tears of his wife. Paulinianus, the brother of St. Jerome, was first made deacon by Epiphanius, and then made priest, and they were forced to stop his mouth that he might not deny it. And can it be thought, that these men did, in this violence, make a vow of single life? or can these be fitting circumstances for a vow? But I shall not insist upon the particulars of this: because if they should make such a vow, yet if they found it to be a snare, and impossible to be kept, they had not only leave, but a necessity, to break it. If the vow was constrained and proved impossible, it was the less sin in the taking, and none in the breach of it. But if it was voluntary, it was rash, unless they had been sure the thing had been in their power; and then if it proves not to be so, the fault is not in the breach, but in the undertaking. "Quod si perseverare nolunt vel non possunt, melius est ut nubant, quam ut in ignem deliciis suis cadant; certe nullum fratribus aut sororibus scandalum faciant:" so St. Cyprian[p] advises the professed virgins; "If they will not, or cannot persevere,—it is better that they marry, than fall into the fire and into burning; only let them give no scandal;"—meaning, by their unchaste lives. And Epiphanius[q] expressly; "Melius est lapsum à cursu palam sibi uxorem accipere secundum leges:" If a man have undertaken a load too heavy, and falls with it, it is better to lay it aside, and openly to take a wife. The same counsel is given by St. Jerome,[r] by St. Austin,[s] and by Alfonsus Virvisius,[t] a divine of the Roman church. To which I shall add nothing of my own but this,—that if the holy vow of marriage, appointed and confirmed and accepted by God, may yet be dispensed with and annulled, much more may the vow of virginity and single life. If the adultery of the wife make the husband's vow and promise to be void; much more may his own adultery or fornication make void his vow of single life. If, for the dishonour of his house, and the introduction of bastards into his temporal possessions, he is absolved from his vows of wedlock, which God certainly did approve and appoint; much more may his vow be null, when there is danger or ruin to his soul. A man may lawfully live with an adulterous wife; and yet he may choose, and his vow does not oblige him: but he cannot safely live with burnings, he cannot lawfully abide in fornication and uncleanness. For, "Who can dwell with everlasting burnings?"—

30. It were not unseasonable to consider the ecclesiastical law against the second marriages of priests, or the ordaining them who have married the second time. But this also,—relying upon the humour of men, who will be more pure than God, and more righteous than the law of Christ, and more wise than the apostle,—it may be determined by the same considerations. The law is a snare; it is in an incompetent matter; it is a restraint of that liberty which Christ hath left; it cannot be fitted to time and place, and yet remain a law: because there are so many necessities to be served, and so many favourable cases to be considered, that the exceptions may be more than the rule. It may also be considered that to make second marriages a cause of irregularity, or incapacity of receiving holy orders, is nothing but a secret accusation and an open reproach to marriage; that it was not of use and avail in the primitive church,—Tertullian[u] witnessing, "apud vos digami ubique præsident,"

[n] Habetur 1. dist. 3. cap. Quoniam.
[o] Alexand. III. cap. Sanè de Cler. Conjug. Vide Cajetan. opus. tom. 1. tract. 27.
[p] Lib. 1. ep. 11.
[q] Hæres. 60. et 61.
[r] Epist. ad Demetrian.
[s] Lib. de Bono Conjugal.
[t] Habetur. dist. 27. cap. Quidam.
[u] De Monogam.

"in the catholic church, bishops, twice married, do every where govern;" that Cauterius, a Spanish bishop, was twice married; that St. Jerome[x] affirms that all the world was full of such ordinations, not only of deacons and priests, but of bishops; and that he could reckon so many as would excel the number of bishops convened in the council of Ariminum; that St. Austin had fornicated with two several women, and yet he was made priest and bishop, for all that; and to deny that to holy marriages, which is not denied to unholy fornications, will be a doctrine unfit for the honour of christian schools[y]; that the second marriage is as holy as the first; that it may be as necessary and as useful; that it is always as lawful; that the canon of the apostle, that "a bishop should be the husband of one wife," is intended against plurality of wives at once, and marrying after divorces, both which were usual amongst the Jews and Greeks and Romans, and could not at first be taken away from the new-converted christians; that it was so expounded by St. Chrysostom, Theodoret,[z] St. Jerome, and divers others, but especially by the Greek fathers; that not only the first marriages are blessed by God, but the second and third, as St. Austin observes; that St. Clemens of Alexandria affirmed, that *διγαμία μετὰ ἐπαγγελίαν παράνομον οὐ διὰ τὴν συνάφειαν, ἀλλὰ διὰ τὸ ψεῦδος*, "digamy, after a vow to the contrary, is an irregularity, not for the contract and conjunction, but for the lie;" that the church of Rome does, without scruple, frequently ordain them that have been twice married, if they will pay the price appointed in the chancery-tax, as is witnessed by one that knew very well; that if the apostle had forbidden it by a canon, yet that canon did no more oblige the descending ages of the church than the other canons which we see broken in every church, according to their reason or their liberty; that in the primitive church they were not very solicitous about the affairs of marriage, because they supposed "the end of all things was at hand:" "'Crescite et multiplicamini' evacuavit extremitas temporis;"[a] that it was a blot in the face of the primitive church, that they would not bless second marriages; that it was most rationally and elegantly complained of by St. Bernard;[b] that second marriages are not a sign of incontinence but the cure, or if they were a sign of an incontinent body, they are a sure sign of a continent mind, that will, at no hand, admit any uncleanness; that a great liberty permitted is infinitely to be preferred before a little prevarication of a Divine law, and therefore that second marriages are to be permitted to the clergy, rather than evil thoughts, or the circles of an inward fire; that the prohibition of the ordination of persons, after the second marriages, did rely upon the opinions of holiness, that was in the ecclesiastical order above the lay purity, and the unholiness of marriage in respect of single life; that in whatsoever sense the former can be true, yet the latter is a branch of Montanism, and a product of the heresy of Tatianus; that Theodoret did ordain Irenæus, that was twice married; that he defends the fact by the consent and suffrages of the bishops of Phœnicia, and says that he insisted in the footsteps of his ancestors, and produces for his precedent, Alexander of Constantinople, Acacius of Berea, and Praylus of Cæsarea, who ordained Domnus after his second marriage; that the chief of the diocess of Pontus did so, and all the bishops of Palestine; that they accounted it holy according to the opinion and doctrine of their nation, for so we read in Maimonides:[c] "Although a man have fulfilled the precept concerning the multiplication of mankind, yet nevertheless it is prescribed in the sayings of the scribes, that no man should cease from the multiplication of his kind, so long as he can well continue it; for whosoever shall add a soul to Israel, is like him that buildeth up the world. And it is moreover in the sayings of the wise men, that a man should not keep a house without a wife, lest he be provoked by lust." It may also be considered that he that burns, had better marry, though he hath been already married, and though he be a bishop; that the virgin or widow estate is no where commanded, but that in some cases marriage is, as in that of burning; that, in Scripture, no chastity or continence is required of a bishop but the matrimonial; that Abraham the father of the faithful was married again after the death of Sarah; that Saint Joseph, the supposed father of our blessed Lord, was, by the ancients, said to be twice married; and lastly, that it is confessed that the forbidding second marriages to the clergy, and refusing to ordain such as have been twice married, is neither of the law of nature, nor any article of faith, nor any necessity of the sacrament; it is only a constitution of the church, which as the pope binds on, so he may take off as he please, as is affirmed by Aquinas,[d] Durandus,[e] Gabriel Vasquez,[f] and others: and therefore this law also ought to be cancelled; but if it be not annulled by express revocation, it is unjust, and unreasonable, and unnecessary, and a snare to consciences, and is not the circumstance of a thing commanded, but of that which ought to be left at liberty, and therefore is no measure or proper band of conscience; but to us it is an obligation neither in conscience nor in law. But

> Hæc ideo volui nostris intexere chartis,
> Ut quoties patres——coeunt,
> Sint memores, magno ad leges opus esse ferendas
> Ingenio, multis oculis, examine recto. MANTUAN.

I have given these instances not only to fix the conscience in these great inquiries, but by these to explicate the measures of the rule.

[x] Epist. ad Ocean.

[y] Glossa in dist. 34. can. Fraternitas hanc rem exhorruit. Ecce causus, ubi plus juris habet luxuria quam castitas: quia castus repelleretur, si contraxisset cum secundâ; sed fornicator non. Vide etiam S. Aug. epist. 64. In locum apost. I Tim. iii.

[z] Ad Ocean. tom. 2. lib. 3. cap. 2. Spalat. lib. 2. cap. 10. n. 75.

[a] Tertull. ubi supra.

[b] Serm. 66. in Cantica.

[c] Halach Ishoth. cap. 15.

[d] Quodl. 4. art. 13.

[e] In sent. 4. dist. 27. q. 4.

[f] In 3. part. tom. 3. disp. 24. cap. 5.

Sect. 5. *Of ecclesiastical Laws of Faith, or Articles of Confession.*

RULE XXI.

The Catholic Church is a Witness of Faith, and a Record of all necessary Truths; but not the Mistress and Ruler of our Creed; that is, cannot make any Laws of Faith.

1. In our inquiries of faith, we do not run to the catholic church desiring her to judge our questions: for she can never meet together; and she is too great a body to do single acts and make particular sentences; but to her we run for conduct, by inquiring what she believes, what she hath received from Christ and his apostles. So that the authority of the catholic church is resolved into catholic tradition. Whatsoever can be made to appear to have been, by the apostles, taught and consigned to the church, that is a law of faith. But of this I have already given accounts.[f] The catholic church, taking in the apostolical, that is, the church of all ages, is a witness beyond exception. For if she have the Spirit of God, if she love truth, and if she do not consent to deceive herself, she cannot be deceived in giving testimony concerning matter of fact and actual tradition: or if she could, yet we are excused in following that testimony, because we have no better, we have no other. Better than our best, and better than all we have, we cannot be obliged to use: but therefore we have the justice and the goodness, our own necessity and the veracity of God, for our security, that this is a sure way for us to walk in. But then when this is reduced to practice in matters of belief, it will come to this only, that she bears witness to the Scriptures, that they are the word of God; but beyond what is contained in Scripture, she hath no article of faith.

2. The consequent of this, which I have largely proved and explicated in the place above cited, is, that all her sermons and all her explications of doctrines must be by that measure. If it be agreeable to Scripture, it is that which she hath received: but if she hath not received it, she cannot make a doctrine, nor deliver a proposition with authority, nor oblige the conscience.

3. But this rule, if it be understood of the catholic church of this or any other present age, will not signify so much: for unless the tradition be delivered in a constant succession from the apostles, the church is not a certain witness, but makes herself a judge of truth; which she can never do, but by relating to the Scriptures, by showing there it is, in the code which she hath received. But when any doubt does arise concerning any matter of belief, the catholic church hath no solemn court of judicature or place of resort, where a single person may go for determination. And if a question be between church and church, as between Rome and England, the question is, which is the catholic church: for indeed neither of them is: and there is no such thing then as a catholic church to determine the question: as when the head and the belly, the mouth and the arms, fell out, the whole body could not be judge of the controversy; but if they had had a rule, thither they might go to be guided. And if it be asked, who shall expound the rule, there is no other answer to be given, but to desire men to be good and humble, to pray to God, and without partiality to desire truth; and then every man will be able to answer his own question. For if the rule be hard, it is hard to them that are not willing and soft and compliant; but not to the gentle and the humble, to them that follow God in simplicity, and whithersoever he will lead them.

4. But it is to be considered, that the church is a net, that hath in it fishes good and bad; it is a field of corn and tares; and but that the apostles were guided by an infallible Spirit, there could have been no certainty: but then after them there was no more to be looked for; what they left we were to use, but to look for no more. For the catholic church never was, since the apostles' time, without error. By catholic church, I do not mean the right believing part of the church (for in questions of faith the dispute was which was the right believing part); but I mean all that profess the faith of Christ, who, when they are divided, will never allow the opposite party to be their judge: and therefore it cannot be supposed, that God should appoint one to be the judge, who must always be supposed a party, and will never be accepted by the other, unless he had given infallibility to that one part, and we had all known it. To the apostles he did, and they were the fountains of tradition: but when they were gone, the only way that was left, was to see what they left, and to that every part was to conform; but neither part was judge, except only for themselves: and, in this, every part ought to be trusted, because they only had the biggest concern to take care that they be not deceived. No man or company of men was charged with them; every government was charged with its own care and conduct.

5. But I shall not insist upon this, because it can be of no use in the conduct of conscience. Because if ever there be a dispute in the church, there is no catholic church to which we can go: and if we call that the catholic church, which is the greater part, that may deceive us; for, in the days of Elias, almost all Israel had corrupted himself; and, in the time of the Arians, almost all the world was Arian; and, at this day, a very great part of the catholic church is stained with the horrible errors and follies of popery: and, besides, our notices are so little and narrow of the belief of christendom, our intercourses so small, our relations so false, our informations so partial, that it is not possible for us to know what is the belief of the major part. It is not known at this day by the doctors of the Roman church, what is the practice of the Greek churches in the marriage of their priests, nor what is their doctrine of purgatory, nor of the procession of the Holy Ghost; as appears in their disputes and contrary narratives of these particulars. We cannot tell in England, at this day, whether the Lutheran churches have right

[f] Lib. 2. chap. 3. rule 14.

ordinations and perfect succession of bishops in their churches. I have endeavoured very much to inform myself in the particular, and am not yet arrived to any certain notice of it. This therefore, to appeal to the sense of the major part of the church in a question, will signify nothing at all as to our conscience.

6. Especially, if to this we add, that the churches have got a trick of empire, and imposing their sometimes false, and always unnecessary, articles upon all of their communion; and then the faith of the church will depend upon the opinion of the chief and principals: and then their belief will be like a rumour spread from a few mouths into the ears of millions, who, though they all tell the same story, yet are no more credible for their multitude, than the first reporters were for their authority. Nay, in most places, men dare not speak what they think, and dare not believe what they find dangerous, and dare not inquire into what they dare not disbelieve, so that if you had been at Trent and asked the fathers, it would have signified nothing: for whatever their belief was, they were borne down by the congregations, and the congregations by the legates, and the legates by the pope, and that is the catholic church.

7. It remains, therefore, that we are from the catholic church to expect no other determination of our questions, but by conveying to us notice of the doctrines apostolical. And this is often and largely discoursed and taught by St. Irenæus,[g] by St. Clement in Eusebius,[h] by Tertullian,[i] by Origen,[k] St. Cyprian,[l] St. Athanasius,[m] St. Basil,[n] Epiphanius,[o] St. Jerome,[p] St. Austin,[q] and Vincentius Lirinensis:[r] what they could derive from the fountains apostolical by a clear channel and conduit, that was first, and that was true, and that was in the rule, and that was the measure of faith. And therefore, when, in the council of Ephesus, the epistle of Capreolus the bishop of Carthage was read for the establishment of antiquity, and the reproof of the new doctrines, all the bishops cried out, "Hæ omnium voces sunt, hæc omnes dicimus, hoc omnium votum est;" "This was the voice of them all, they all said the same thing:" and what was that which they all affirmed? "Nisi ut quod erat antiquitus traditum, teneretur, quod adinventum nuper, exploderetur," saith Vincentius; "That what is ancient and at first delivered, that should be held; that which is lately invented, should be exploded."—For the church cannot determine questions by way of judgment and authority, but by way of attestation, and as a witness only of the doctrine apostolical. There is nothing else necessary, and nothing else is practicable.

RULE XXII.

The Decrees of general Councils are of great Use in the Conduct of Conscience, but not the proper Measure, or last Determination, of Matters of Belief.

1. I BEFORE[s] considered councils, as they had acquired an accidental authority by the veneration of their age, and their advantage of having been held in the elder ages of the church: now I consider them in their own proper and immediate pretence. I then considered them in order to government, but now in order to faith: for councils ecclesiastical have pretended to a power over the conscience, so as to require both the obedience of the will and the obedience of the understanding. Concerning which I am to say, that nothing can oblige to Divine faith but a Divine authority: to which councils can no more pretend for being general, than for being provincial; and to which great assemblies have no other title or pretence of promise than the private congregations of the faithful, who, though but two or three, yet shall be assisted by the Divine presence. But general councils are so wholly of human institution, that though, by the dictate of right reason and natural wisdom they are to be convened; yet to make them a formal judicatory, and to give them a legislative power, or a dominion and magistery in faith, there are so many conditions required both to their indiction and convention, to their constitution and integrity, to their conduct and proceeding, to their conclusion and determination, that men are not, to this day, agreed about any one of them; and therefore they cannot be a legal judicatory obliging any but them that do consent, and so oblige themselves.

2. But yet they are of great use for inquiry and consultation: and therefore Eusebius,[t] speaking of Constantine the emperor, says of him, "Concilium generale tanquam Dei exercitum instruens, in unum locum coegit." A general council is God's army; and being a representative of the church in the same degree, as it is general and rightly called, and rightly ordered, and rightly proceeding,—it partakes of the church's appellation: it is "acies ordinata," "terrible as an army with banners." Let them be as many as it happens, "in the multitude of counsellors there is safety;" that is, they are more likely to understand truth than single persons, for they are not so soon prejudiced and corrupted: as a river is harder to be poisoned, or to be turned aside, than a pail of water or a dish full; but if it be, it is so much the worse. But if they proceed rightly, they are excellent helps; and some of them have done great good to the church, and some have done great mischief; and which have, and which have not, we are to inquire by other instruments: so that we are

[g] Lib. 3. cap. 40. et lib. 5. cap. 23. lib. 4. cap. 43. et 63.
[h] Lib. 3. cap. 12.
[i] De Præscript. et contr. Marcion. lib. 4.
[k] In Procem. lib. 1. περὶ ἀρχ.
[l] Epist. ad Pompei.
[m] Ad Serap. de Spir. S.
[n] Serm. contr. Sab. et Arium.
[o] Hæres. 31.
[p] Adv. Lucifer.
[q] Contr. Fauss. Manich. lib. 11. cap. 2.
[r] Cap. antepenult.
[s] Rule 14.
[t] Lib. 3. de Vitâ Constant. cap. 6.

to judge concerning them, and then they are to be guides to us; that is, we consider, which are fittest to be followed, of which we judge by general and extrinsic considerations, and then we follow them in the particular inquiry; that is, we follow them, because we think they followed the apostles, and were faithful witnesses of their doctrine. Which indeed is an excellent benefit, which we may receive by the first and most ancient councils, which were near the fountains. They could trace all the new pretences up to their original; they discussed the doctrines in their provinces; they heard what any one could say: they carried it to the general assembly; they compared it with the tradition and doctrine of other churches; and all together were able very well to tell, how the apostles had taught the churches of their foundation. And because the four first general councils did, or are supposed to have done, so,—therefore they have acquired a great, but an accidental authority, and are accepted by the most part of christendom, and made into human laws of faith, and the measures of heresy. Such use as this the conscience can make of the ancient councils; but beyond this, or some such good use as this, the conscience is at no hand obliged to follow their determinations, as the sentence of a competent judge, but as of an authentic witness, when it can appear or be credible, that it can be so, and is so. And this was the very thing that St. Athanasius[u] affirmed of the Nicene council: "Siquidem Nicæna synodus non temere habita est, ut quæ habeat gravissimos usus et legitimam rationem." The Nicene synod was of great use. They met about the question of Easter and the Arian heresy. "Sed in negotio Paschatis non abhorruerunt ab istiusmodi appendice. Ibi enim placuit ut adderetur, 'Visum est ut omnes obtemperarent.' De fide vero non scripserunt, 'Visum est;' sed ad istum modum, 'Credit catholica ecclesia:' et statim confessio ipsa credendi adjuncta est, ut ostenderent eam non esse novam sententiam, sed apostolicam, et quæ ipsi scripsissent, non esse sua inventa, sed apostolorum documenta:" "But in the matter of Easter" [because it was a ritual, and the circumstance of time, and the unity of order] "they decreed, that every one should obey. But in the matter of faith, they did not write so, that they appointed every one to obey; but in this manner, 'The catholic church believes;' and then they adjoined the confession of faith, to show that the doctrine was not new, but that it was apostolical, it was that which they wrote, but nothing of a later birth." To any other purpose neither the council of Nice nor the council of Ariminum, is of any use or authority; save only it is the sentence of so many men, and is to be received according to the credibility of the men, or the reasonableness of the article.

3. But then let it be considered, to what the authority of a council will amount according to the sentence of most men. The doctors of the church of Rome (a few only excepted) say, that "a council, if it be not confirmed by the pope, hath no authority." Upon this account, if they say true, every council is fallible, and therefore no rule or guide of faith: for unless it can be deceived, why should it be submitted to the judgment of the pope? and if it can be deceived, it cannot bind, because it cannot secure the conscience. But the others that are not of the Roman party, say, "A council is then not deceived, when it delivers the doctrine of Christ and his apostles, and speaks consonantly to scriptures: and if a single doctor does so, he is to be believed." What then? where is the difference? this only is it, that it is more likely a council shall find out the truth, and report the tradition;—and if we be to choose our faith by guess and probability, a council is better than a single doctor, by so much as there are many more than one doctor in it. But this will only serve the turn, till men are willing, or at leisure to inquire: this only excepted; because few men can judge, and most men are ruled by others, all such persons can have nothing better to rule and determine them than a general council: but then it is an argument of reason, and not of authority; it is not because they are bound, but because it is most reasonable in their circumstances.

4. I should here have considered of what authority the writings of the fathers are to the interpretation of Scripture, and the conduct of conscience. But because I find only the same use of them as of other learned men, in all ages of the church, save only in those things, where they are witnesses of the apostolical doctrines, to which they best can give testimony who are the most ancient, and because themselves disclaim any authority in matters of faith, and call to be tried by the word of God;—I had rather this thing should be read in others[x] than in myself: because it is matter of envy and reproach to tell why they cannot be relied upon: and to add more reputation to that authority which they have acquired by many intervening causes, by reason, and by unreasonableness, would be matter of danger, and sometimes the causes of error, and very often of a deceitful confidence. But who please, may see this uncertainly disputed, and never concluded to any certainty by Cajetan[y] on one side, and Melchior Canus on the other. He may also consider the saying of the bishop of Bitonto,[z] that he preferred the sentence of one pope before a thousand Jeromes, and a thousand Austins and Gregories; and that every side declines their arbitration, when they speak against them; by which it appears, that no side supposes themselves to be bound in conscience to follow them.

5. But the best use of them is that which the church of England hath described in one of her ancient canons, that her bishops and priests should teach nothing "nisi quod ex doctrinâ Veteris et Novi Testamenti veteres patres et ecclesiæ episcopi collegerint:" "but what the fathers and ancient bishops of the church have gathered out of the doctrine of the Old and New Testament;" which

[u] De Synod.
[x] S. August. epist. 48. et 111. Vide Gratian. dist. 9. Cyril. Hier. Catech. 4. S. Jerome. ep. 19. et 76.
[y] Præfat. in comment. de locis com. lib 7. cap. 3. concl. 3, 4.
[z] Concion. in epist. ad Rom. cap. 14. p. 606.

canon gives a very good answer to this inquiry, if we should enter into it. For it declares that the fathers are so far to be followed as they follow Scripture, and that their writings are of great use for the reproof of new doctrines: and certainly if preachers were confined to this measure, possibly we might miss some truths, which now, it may be, we find; but it is certain we should escape very many errors. For the rest, I refer my reader to the archbishop of Spalato,[a] to Rivet,[b] to Daniel Tossanus,[c] to Gregory de Valentia,[d] to Bishop Morton,[e] and to Dr. Whitaker.[f] In this whole affair the conscience is at liberty, and therefore I am here to inquire no further.

RULE XXIII.

Subscription to Articles and Forms of Confession in any particular Church, is wholly of political Consideration.

1. WHEN forms of confession are made, and public articles established, it is of great concernment not only to the reputation of the government, but to the unity and peace of that christian community, that they be not publicly opposed. To this purpose we find so many subscriptions to the decrees of councils, by princes and prelates, and priests and deacons, by prefects of cities, and governors of countries; it was an instrument of unity and peace, a declaration of their consent, and at no hand to be reproved, unless it be in a false article, or with tyranny to consciences, or to maintain a faction. But that which the government looks after, is, that no new religions be introduced to the public disturbance; of which the Romans were so impatient, that they put to death a noble lady, "Pomponia Græcina, utpote novæ cujusdam religionis ream," saith Tacitus,[g] "as being guilty of a new religion." Now to prevent this, subscription is invented, that is, an attestation of our consent; which if it be required by the supreme authority, it may be exacted in order to peace and unity; and Tacitus tells that Assidius Merula was degraded from the dignity of a senator, because he refused to subscribe to the laws of Augustus. This is the same case; for subscription serves no other end, but that which is necessary in government. We find in Polydore Virgil,[h] that the ancient kings of England, at their inauguration, "silicem tenebant juraturi per Jovem, se religionem et ritus patrios retenturos, hæc verba loquentes, 'si sciens fallo, tunc me diespiter, salvâ urbe arceque, bonis omnibus ejiciat;'" "they swore by Jupiter that they would keep the religion and their country rites; and cursed themselves, if they did not." This was more than ecclesiastical subscription: for that bound them to it for ever; this only gives witness of our present consent, but according to its design and purpose: for the future, it binds us only to the conservation of peace and unity.

2. For though it may be very fitting to subscribe a confession of articles, yet it may be very unfit, that we swear always to be of the same mind; for that is either a profession of infallibility in the authority, or in the article,—or else a direct shutting our heart against all further clarity and manifestations of the truths of God. And therefore subscription ought to be so intended, that he who hath subscribed, may not perceive himself taken in a snare. But yet he that subscribes, must do it to those purposes and in that sense and signification of things, which the supreme power intends in his commanding it; that is, at least, that he who subscribes, does actually approve the articles overwritten; that he does, at that time, believe them to be such, as it is said they are; true, if they only say they are true: useful, if they pretend to usefulness; necessary, if it be affirmed that they are necessary. For if the subscriber believes not this, he, by hypocrisy, serves the ends of public peace and his own preferment.

3. But this whole affair is to be conducted with some wariness, lest there come more evil by it than there can come good. And therefore, although when articles are framed, the sons of the church ought to subscribe them for public peace, in case they do heartily approve them: yet such articles ought not to be made and imposed, unless they of themselves be necessary, and plain by a Divine commandment. And this was the advice of Melancthon:[i] "Ut sit igitur discordiarum finis, rectè facit potestas obligans homines ut obtemperent, quando alioqui parere est necesse;"—"The supreme power may then command men to subscribe to such articles, which it is necessary that they should believe." But if God have not commanded us to believe them, no human power can command us to profess them.

4. Beyond what is necessary or very useful, unless peace be concerned in the publication of the article and its establishment, it is but weakly and impertinently concerned in the subscription. For if the peace of the church be safe without the article, how can it be concerned in the consent to it and profession of it, excepting only by an accidental and a necessity superinduced by themselves and their own imprudent forwardness, or itch of empire over consciences? If an article be contested publicly, and is grown into parties and factions, and these factions cannot be appeased without decision of the question,—then the conformity is as useful to peace as the sentence and determination were; and then there is nothing else to be considered, but that the article be true, or believed to be so. But to them that are so persuaded, it is necessary they obey, if they be required to subscribe; and the supreme power hath authority to require it, because it is one of their greatest duties, to govern and to rule in peace. But these things can seldom happen thus without our own fault: but when they do, there is inconvenience on all sides; but that which is least, must be chosen.

[a] De Rep. Eccles. lib. 7. cap. 6.
[b] Prolegomena to his Criticus Sacer.
[c] Synopsis de Legendis Patribus. [d] Analysis Fidei.
[e] Catholic Apology. [f] De Script. Auctoritate.
[g] Lib. 3. cap. 7. [h] De Rerum inventor. lib. 4. cap. 12.
[i] In epist. et consiliis theologicis.

5. When articles are established without necessity, subscription must be required without tyranny and imperiousness. That is, it must be left to the liberty of the subject, to profess or not to profess that doctrine. The reason is plain. In things, not certain in themselves, no man can give a law to the conscience, because all such laws must clearly be Divine commandments: but if the conscience cannot be bound to the article, and the profession serves no necessary end of the commonwealth, then God does not bind, and man cannot: and therefore, to bring evil upon men that do not believe the article, and dare not profess to believe what they do not, is injustice and oppression, it is a law of iniquity; and therefore it is not obligatory to conscience, and no human authority is sufficient for the sanction and imposition. Socrates[k] was wont to say, "Sacramentum oblatum duabus de causis fide firmandum: vel ut teipsum à turpi suspicione liberes, vel ut amicos ex magnis periculis eripias:" "When you are required to give faith and security by a sacrament, oath, or subscription, there are two cases in which you must not refuse: when thou thyself art suspected, and canst no otherwise purge thyself; and when any of thy relations are in danger, that is, when it is for good to thyself or thy friends." But when there is no necessity of faith, and no public need to be served,—the causes that, besides these, enjoin subscription, are fond persuasions, and indiscreet zeal, and usurped empire over consciences: in which cases the ecclesiastic state hath no power to give commandments; and if the civil state does, they oblige to suffering calamity, but not to any other conformity, and then it is a direct state of persecution.

6. Upon the account of this rule it hath been of late inquired, whether it can be lawful for any man to subscribe what he does not believe to be true, giving his hand to public peace, and keeping his conscience for God.

7. But to this the answer is easy, if subscription does signify approbation; for in that case it is hypocrisy, and a denying to confess with the mouth what we believe with the heart. But if subscription were no more than the office of the clerk of the signet or of a council, who, in form of law, is to sign all the acts of council, then the consideration were different. For he that is a public officer, and interposes the signature of the court, not as the account of his own opinion, but as a formality of the court, all the world looks upon it as none of his personal act, but as a solemnity of law, or an attestation of the act of the council. But in subscription to articles of confession, or censure of propositions as heretical, every ecclesiastic that subscribes, does it for himself, and not for the court. "Lubens et ex animo subscripsi:" that is our form in the church of England. "Consentiens subscripsi:" so it was in the ancient councils, as St. Austin[l] reports; "I consent to the thing, my mind goes along with it." But, in this case, the whole affair is put to issue in this one particular, which I touched upon before. If the intention of the superior be to require our assent to be testified by subscription,—he that subscribes, does profess his assent; and, whatever he think himself, it is the intention of the imposer that qualifies the subscription. St. Austin[m] tells of a senator, that, upon his parole, went to treat for his ransom or exchange, and promised to return to them again, in case he could not effect it. But he, going from the army, pretended to have forgot something, and came back presently, and then departed. But telling his story to the Roman senate, and pretending himself quit of his promise, because he went back presently, they drave him out of the senate; because they regarded not what he had in his head, but that which the enemy intended, when they made him swear to return.

8. But the effect of these considerations will be this, that no particular church ought, with rigour, to require subscriptions to articles, which are not evidently true, and necessary to be professed; because in the division of hearts that is in the world, it is certain that some good men may dissent, and then either they shall be afflicted, or be tempted to hypocrisy: of either of which if ecclesiastic laws be guilty, they are not for edification, they are neither just nor pious, and therefore oblige not.

9. But if, for temporal regards, the supreme power do require subscription, those temporal regards must be complied with, so that the spiritual interest of souls and truth be secured. And therefore the next good thing to the not imposing uncertain and unnecessary articles is, that great regard be had, and great ease be done, to wise and peaceable dissenters.

10. And at last, in such cases, let the articles be made with as great latitude of sense as they can: and so that subscriptions be made to the form of words, let the subscribers understand them in what sense they please, which the truth of God will suffer, and the words can be capable of. This is the last remedy, but it is the worst; it hath in it something of craft, but very little of ingenuity; and if it can serve the ends of peace, or of external charity, or of a fantastic concord, yet it cannot serve the ends of truth, and holiness, and christian simplicity.

[k] Apud Stobæum. [l] Epist. 124. ad Alipium. [m] Ubi supra.